

No. 1913

**UNITED STATES OF AMERICA
and
CEYLON**

**Exchange of notes constituting an agreement relating to
the use of the facilities of Radio Ceylon. Colombo,
12 and 14 May 1951**

Official text: English.

Registered by the United States of America on 17 October 1952.

**ÉTATS-UNIS D'AMÉRIQUE
et
CEYLAN**

**Échange de notes constituant un accord relatif à l'utilisation
des installations de Radio-Ceylan. Colombo, 12 et
14 mai 1951**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 17 octobre 1952.

No. 1913. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CEYLON RELATING TO THE USE OF THE FACILITIES OF RADIO CEYLON. COLOMBO, 12 AND 14 MAY 1951

I

The American Ambassador to the Prime Minister and Minister of Defence and External Affairs of Ceylon

AMERICAN EMBASSY
COLOMBO, CEYLON

May 12, 1951

Excellency :

Pursuant to instructions from my Government, I have the honor to inform Your Excellency that the following agreement concerning the use of the facilities of Radio Ceylon meets with the approval of the Government of the United States of America and will be considered in effect upon the receipt of a communication from you signifying that it also meets with the approval of the Government of Ceylon :

- (1) The Department of State of the United States of America (hereafter called the Department) will furnish and install three shortwave broadcasting transmitters with a power of not less than 35 KW and associated transmitting, studio and receiving facilities, at its own expense and shall transfer title to such facilities upon completion to the Government of Ceylon for one rupee. Such facilities shall remain personalties and may, subject to what is provided in paragraph (12) below, be removed notwithstanding the fact they may be affixed to realty.

The scope of the installation work involved is substantially the following :—

- (a) The construction of any additional building necessary to house such transmitters.
- (b) The installation of the transmitters and their associated equipment at the transmitting site.
- (c) The installation and provision of any additional antennae required for the operation.
- (d) The purchase or lease through the Government of Ceylon of the additional ten acres approximately required for the erection of the additional antennae.

¹ Came into force on 14 May 1951, by the exchange of the said notes.

- (e) The installation of VHF link between the Studio centre and transmitting site.
 - (f) The construction, including wiring, of any additional Studio facilities required.
 - (g) The provision of two tape recorders and similar miscellaneous equipment.
- (2) The Department will be responsible for the administration of the installation of the above-described facilities after consultation with and with the agreement of the Government of Ceylon to assure the most efficient modification of the existing plant.
- (a) It is understood that where it is necessary for the Department to import into Ceylon staff, equipment and material for the purpose of the installation of these facilities, the equipment and material shall be duty free and the staff shall be exempted from payment of Ceylon Income Tax.
- (3) On completion of the modification and satisfactory test operations the Government of Ceylon shall be responsible thereafter for the administration, operation and maintenance of these facilities.
- (4) The Department shall maintain a resident engineer in Colombo for the purpose of consulting with the Government of Ceylon to assure the maximum operating efficiency of these facilities.
- (5) The Government of Ceylon shall have priority use of one of the three transmitters and associated facilities and secondary use of the other two transmitters and associated facilities. Reciprocally, the Department shall have priority use of two of the three transmitters and associated facilities and secondary use of all other transmitters and associated facilities.
- (6) Pending completion of the installation of the above-described facilities the Department shall have priority of use of such time as the Department mutually agrees upon with the Government of Ceylon.
- (7) The Department shall pay rates for the services rendered to them by the Government of Ceylon predicated on its pro rata share of the running expenses of the station. Such rates shall be negotiated prior to inauguration of service and thereafter annually beginning with July 1st of each year.
- (8) The services rendered by the Government of Ceylon to the Department shall consist of :
- (a) Instantaneous or delayed relays of programs in various languages of the Department.
 - (b) Broadcasts of programs initiated and originated by the United States Information Service in Ceylon.

- (9) The Department shall be responsible for the provision of frequencies necessary for the transmission of its programs. It is furthermore agreed that the Department and the Government of Ceylon will cooperate closely in assisting each other in providing additional frequencies as and when required.
- (10) The Department recognizes the right reserved by the Government of Ceylon to give approval to the schedule and contents of its broadcasts from Radio Ceylon.
- (11) The Department may terminate this agreement in the initial ten-year period by giving the Government of Ceylon one year's notice.
- (12) Upon final termination or expiration of this agreement the parties agree, at the option of the Government of Ceylon, to enter into negotiations for the purpose of vesting entire ownership and use of the facilities in Ceylon. In the event this option is not exercised, or in the event agreement as to terms is not reached, the Government of Ceylon agrees, at the request of the Department, to retransfer title to such facilities to the Department, upon payment by the Department of one rupee, and in this event the Department shall have the right to remove the facilities and export them from Ceylon duty free. It is understood and agreed that such removal would be undertaken within six months of the date of termination or expiration of the agreement. In the event of removal, the Department agrees to pay the Government of Ceylon the reasonable cost of restoring to its former condition any of the Government of Ceylon's property which may have been modified in order to carry out the purposes of this agreement. Where the Department has erected buildings or parts of buildings the Government of Ceylon will have the right, if it so desires, to take them over at a disposal value to be mutually agreed.
- (3) Except as provided here, this agreement shall be for ten years from date of signing, unless before the expiration of such term a notice of intention to renew is communicated by either party to the other — six months prior to the date of expiration, in which case an extension in accordance with such terms as are to be agreed upon, shall be entered into.
- (14) The Department agrees not to sublet time on Radio Ceylon transmitters.

Please accept, Excellency, the renewed assurances of my highest consideration.

J. C. SATTERTHWAITE

The Right Honorable D. S. Senanayake
Prime Minister and Minister of Defence
and External Affairs
Colombo

II

The Minister of External Affairs of Ceylon to the American Ambassador

MINISTRY OF EXTERNAL AFFAIRS

Senate Building
Colombo (Ceylon) 14th May 1951

Excellency,

I have the honour to acknowledge receipt of your letter of 12th May 1951 notifying me that the Agreement, which is reproduced below, concerning the use of the facilities of Radio Ceylon meets with the approval of the Government of the United States of America. I am glad to inform you that the Agreement meets with the approval of the Government of Ceylon, and I agree that your letter and this reply should be regarded as bringing the Agreement into effect as between our two Governments. I note that the Department of State will act on behalf of the Government of the United States of America in the implementation of this Agreement.

2. Accept, Excellency, the assurances of my highest consideration.

D. S. SENANAYAKE

His Excellency J. C. Satterthwaite
Ambassador of the United States
of America in Ceylon

AGREEMENT
[See note I]