

No. 4582

**UNITED STATES OF AMERICA
and
CANADA**

**Exchange of notes constituting an agreement relating to
the North American Air Defence Command. Wash-
ington, 12 May 1958**

Official text: English.

Registered by the United States of America on 1 December 1958.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

**Échange de notes constituant un accord relatif au Com-
mandement de la défense aérienne de l'Amérique du
Nord. Washington, 12 mai 1958**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 1^{er} décembre 1958.

No. 4582. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO THE NORTH AMERICAN AIR DEFENCE COMMAND. WASHINGTON, 12 MAY 1958

I

The Canadian Ambassador to the Secretary of State

CANADIAN EMBASSY

WASHINGTON, D. C.

No. 263

12th May, 1958

Sir,

I have the honour to refer to discussions which have taken place between the Canadian and the United States authorities concerning the necessity for integration of operational control of Canadian and United States air defences and, in particular, to the study and recommendations of the Canada-United States Military Study Group. These studies led to the joint announcement of August 1, 1957, by the Minister of National Defence of Canada and the Secretary of Defense of the United States indicating that our two Governments had agreed to the setting up of a system of integrated operational control for the air defences in the continental United States, Canada and Alaska under an integrated command responsible to the Chiefs of Staff of both countries. Pursuant to the announcement of August 1, 1957, an integrated headquarters known as the North American Air Defence Command (NORAD) has been established on an interim basis at Colorado Springs, Colorado.

For some years prior to the establishment of NORAD, it had been recognized that the air defence of Canada and the United States must be considered as a single problem. However, arrangements which existed between Canada and the United States provided only for the co-ordination of separate Canadian and United States air defence plans, but did not provide for the authoritative control of all air defence weapons which must be employed against an attacker.

¹ Came into force on 12 May 1958 by the exchange of the said notes.

The advent of nuclear weapons, the great improvements in the means of effecting their delivery, and the requirements of the air defence control systems demand rapid decisions to keep pace with the speed and tempo of technological developments. To counter the threat and to achieve maximum effectiveness of the air defence system, defensive operations must commence as early as possible and enemy forces must be kept constantly engaged. Arrangements for the co-ordination of national plans requiring consultation between national commanders before implementation had become inadequate in the face of a possible sudden attack, with little or no warning. It was essential, therefore, to have in existence in peacetime an organization, including the weapons, facilities and command structure which could operate at the outset of hostilities in accordance with a single air defence plan approved in advance by national authorities.

Studies made by representatives of our two Governments led to the conclusion that the problem of the air defence of our two countries could best be met by delegating to an integrated headquarters the task of exercising operational control over combat units of the national forces made available for the air defence of the two countries. Furthermore, the principle of an integrated headquarters exercising operational control over assigned forces has been well established in various parts of the North Atlantic Treaty area. The Canada-United States region is an integral part of the NATO area. In support of the strategic objectives established in NATO for the Canada-United States region and in accordance with the provisions of the North Atlantic Treaty,¹ our two Governments have, by establishing the North American Air Defence Command (NORAD), recognized the desirability of integrating headquarters exercising operational control over assigned air defence forces. The agreed integration is intended to assist the two Governments to develop and maintain their individual and collective capacity to resist air attack on their territories in North America in mutual self-defence.

The two Governments consider that the establishment of integrated air defence arrangements of the nature described increases the importance of the fullest possible consultation between the two Governments on all matters affecting the joint defence of North America, and that defence co-operation between them can be worked out on a mutually satisfactory basis only if such consultation is regularly and consistently undertaken.

In view of the foregoing considerations and on the basis of the experience gained in the operation on an interim basis of the North American Air Defence Command, my Government proposes that the following principles should govern the future organization and operations of the North American Air Defence Command.

¹ United Nations, *Treaty Series*, Vol. 34, p. 243 ; Vol. 126, p. 350, and Vol. 243, p. 308.

- 1) The Commander-in-Chief NORAD (CINCNORAD) will be responsible to the Chiefs of Staff Committee of Canada and the Joint Chiefs of Staff of the United States, who in turn are responsible to their respective Governments. He will operate within a concept of air defence approved by the appropriate authorities of our two Governments, who will bear in mind their objectives in the defence of the Canada-United States region of the NATO area.
- 2) The North American Air Defence Command will include such combat units and individuals as are specifically allocated to it by the two Governments. The jurisdiction of the Commander-in-Chief, NORAD, over those units and individuals is limited to operational control as hereinafter defined.
- 3) "Operational Control" is the power to direct, co-ordinate, and control the operational activities of forces assigned, attached or otherwise made available. No permanent changes of station would be made without approval of the higher national authority concerned. Temporary reinforcement from one area to another, including the crossing of the international boundary, to meet operational requirements will be within the authority of commanders having operational control. The basic command organization for the air defence forces of the two countries, including administration, discipline, internal organization and unit training, shall be exercised by national commanders responsible to their national authorities.
- 4) The appointment of CINCNORAD and his Deputy must be approved by the Canadian and United States Governments. They will not be from the same country, and CINCNORAD staff shall be an integrated joint staff composed of officers of both countries. During the absence of CINCNORAD, command will pass to the Deputy Commander.
- 5) The North Atlantic Treaty Organization will continue to be kept informed through the Canada-United States Regional Planning Group of arrangements for the air defence of North America.
- 6) The plans and procedures to be followed by NORAD in wartime shall be formulated and approved in peacetime by appropriate national authorities and shall be capable of rapid implementation in an emergency. Any plans or procedures recommended by NORAD which bear on the responsibilities of civilian departments or agencies of the two Governments shall be referred for decision by the appropriate military authorities to those agencies and departments and may be the subject of intergovernmental co-ordination.
- 7) Terms of reference for CINCNORAD and his Deputy will be consistent with the foregoing principles. Changes in these terms of reference may be made by agreement between the Canadian Chiefs of Staff Committee and the United States Joint Chiefs of Staff, with approval of higher authority as appropriate

provided that these changes are in consonance with the principles set out in this note.

- 8) The question of the financing of expenditures connected with the operation of the integrated headquarters of the North American Air Defence Command will be settled by mutual agreement between appropriate agencies of the two Governments.
- 9) The North American Air Defence Command shall be maintained in operation for a period of ten years or such shorter period as shall be agreed by both countries in the light of their mutual defence interests, and their objectives under the terms of the North Atlantic Treaty. The terms of this agreement may be reviewed upon request of either country at any time.
- 10) The agreement between parties to the North Atlantic Treaty regarding the status of their forces signed in London on June 19, 1951,¹ shall apply.
- 11) The release to the public of information by CINCNORAD on matters of interest to Canada and the United States will in all cases be the subject of prior consultation and agreement between appropriate agencies of the two Governments.

If the United States Government concurs in the principles set out above, I propose that this note and your reply should constitute an agreement between our two Governments effective from the date of your reply.

Accept, Sir, the renewed assurances of my highest consideration.

N. A. ROBERTSON

The Honourable John Foster Dulles
Secretary of State of the United States
Washington, D.C.

¹ United Nations, *Treaty Series*, Vol. 199, p. 67 ; Vol. 200, p. 340 ; Vol. 260, p. 452, and Vol. 286, p. 380.

II

The Secretary of State to the Canadian Ambassador

DEPARTMENT OF STATE
WASHINGTON

May 12, 1958

Excellency :

I have the honor to refer to your Excellency's note No. 263 of May 12, 1958 proposing on behalf of the Canadian Government certain principles to govern the future organization and operation of the North American Air Defence Command (NORAD).

I am pleased to inform you that my Government concurs in the principles set forth in your note. My Government further agrees with your proposal that your note and this reply shall constitute an agreement between the two Governments effective today.

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

For the Secretary of State :

Christian A. HERTER

His Excellency Norman Robertson
Ambassador of Canada