

No. 4601

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**AUSTRALIA  
and  
UNITED STATES OF AMERICA**

**Exchange of notes constituting an agreement relating to  
the establishment of a weather station at Nauru. Can-  
berra, 19 and 25 February 1958**

*Official text: English.*

*Registered by Australia on 18 December 1958.*

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**AUSTRALIE  
et  
ÉTATS-UNIS D'AMÉRIQUE**

**Échange de notes constituant un accord relatif à la création  
d'une station météorologique à Nauru. Canberra,  
19 et 25 février 1958**

*Texte officiel anglais.*

*Enregistré par l'Australie le 18 décembre 1958.*

No. 4601. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA RELATING TO THE ESTABLISHMENT OF A WEATHER STATION AT NAURU. CANBERRA, 19 AND 25 FEBRUARY 1958

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I

EMBASSY OF THE UNITED STATES OF AMERICA

No. 115

February 19, 1958

Sir :

I have the honor to refer to negotiations which have taken place between the Governments of the United States of America and the Commonwealth of Australia concerning the desire of the United States Government to establish a weather station at Nauru Island. It is noted that the Government of the Commonwealth of Australia, administering the Island on behalf of the Administering Authority (comprising the United Kingdom, Australia and New Zealand), approves the request of the United States Government to construct and operate a weather station on Nauru Island on the following conditions :

(1) Members of the United States Forces present on Nauru in connection with the installation or operation of the weather station shall observe all laws and regulations of Nauru which are in effect on the Island. The United States authorities shall have jurisdiction on Nauru over members of the United States Forces with regard to offenses solely against these personnel, their property, or United States property, and offenses occurring in the performance of official duty, and, except in those instances deemed by the Administering Authority to be of such importance as to require trial in the courts of Nauru, the United States authorities may exercise their jurisdiction over members of the United States Forces in all other criminal cases. Accused personnel, custody of whom shall be maintained by United States authorities, will be produced at the request of the Administering Authority for investigation, identification, or trial, as appropriate. It is understood that the principle of not trying an accused twice for the same offense shall be followed, provided the United States authorities shall remain free to punish for violation of rules of military discipline. In the event that a member of the United States Forces is prosecuted for a criminal offense in the Nauruan courts, the Administering Authority ensures that he shall be entitled to a prompt and speedy trial; to be informed, in advance

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<sup>1</sup> Came into force on 25 February 1958 by the exchange of the said notes.

of trial, of specific charge or charges made against him; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have legal representation of his own choice for his defense; to communicate with a representative of the United States, and to have such a representative present at his trial.

(2) Arrangements for the siting and construction of the weather station and its facilities will be made by the United States authorities in consultation with, and with the agreement of, the Administering Authority. In respect of any use of local property or other disturbance of local inhabitants, whether by way of demolition of houses or otherwise, the United States will pay full compensation, the amount and manner of payment of which will be determined by consultation between the United States authorities and the Administrator of Nauru. However, it is understood that every endeavor will be made to avoid any such use or disturbance.

(3) No wireless station, submarine cable, land line or other installations will be established by the United States authorities, otherwise than strictly for the operational purposes of the weather station. Any wireless station, submarine cable, land line or other installation so established shall be sited and operated in such a way that it will not cause interference with established civil communications or the phosphate industry.

(4) The use of radio frequencies, powers and band-widths for radio services, including radar, shall be subject to the prior concurrence of the Administering Authority and any radio station set up in connection with the weather station may be required to be licensed by such in accordance with the normal procedures.

(5) So long as the United States wishes to participate in the operations of the weather station, it shall be jointly operated by the United States and Australian Governments and all meteorological data collected by the weather station will be available to the Administering Authority.

If the foregoing provisions are acceptable to the Government of the Commonwealth of Australia, I propose that this note and your reply to that effect shall constitute an agreement between the two Governments in this matter, the agreement to enter into force on the date of your note in reply.

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

(Signed) William J. SEBALD

The Right Honorable Richard G. Casey, C.H., D.S.O., M.C., M.P.  
Minister of External Affairs  
of the Commonwealth of Australia

## II

MINISTER FOR EXTERNAL AFFAIRS

25th February, 1958

Your Excellency :

I have the honour to acknowledge receipt of your Note No. 115 of 19th February, 1958 which reads as follows :

[See note I]

I have the honour to confirm that the foregoing provisions are acceptable to the Government of the Commonwealth of Australia and to agree with your proposal that your Note and this reply shall constitute an agreement between the two Governments, the agreement to enter into force on today's date.

I have the honour to be, with the highest consideration,  
Your Excellency's obedient servant,

(Signed) R. G. CASEY  
Minister of State for External Affairs

His Excellency Mr. William J. Sebald  
Ambassador Extraordinary & Plenipotentiary  
of the United States of America  
Canberra