

No. 5812

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
UNITED STATES OF AMERICA**

**Exchange of notes constituting an agreement concerning the
establishment in Canton Island of a space vehicle
tracking and communications station. London, 6 April
1961**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
16 August 1961.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

et

ÉTATS-UNIS D'AMÉRIQUE

**Échange de notes constituant un accord relatif à la création
dans l'île de Canton d'une station pour le repérage des
engins spatiaux et les communications avec ces engins.
Londres, 6 avril 1961**

Texte officiel anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
16 août 1961.*

No. 5812. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE ESTABLISHMENT IN CANTON ISLAND OF A SPACE VEHICLE TRACKING AND COMMUNICATIONS STATION. LONDON, 6 APRIL 1961

I

The United States Chargé d'Affaires ad interim at London to the Secretary of State for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

London, April 6, 1961

Sir,

I have the honor to refer to the Agreement effected by an Exchange of Notes dated April 6, 1939,² between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland regarding the administration of the Islands of Canton and Enderbury in the South Pacific Ocean and in particular to paragraph V of the said Agreement providing that use of any part of either of the Islands or their territorial waters for aviation and other purposes "shall be the subject of agreement between the two Governments".

I have the honor also to refer to recent discussions between representatives of the two Governments concerning a proposal that the Government of the United States should establish and operate, for scientific purposes, a station for space vehicle tracking and communications on Canton Island. Such a station is required by the United States of America as part of a world-wide tracking range being established by the Government of the United States in connection with its manned satellite program, known as Project Mercury, under which the United States plans to place a manned earth satellite into orbital flight and to recover it.

¹ Came into force on 6 April 1961 by the exchange of the said notes.

² League of Nations, *Treaty Series*, Vol. CXCVI, p. 343.

The Government of the United Kingdom, desiring to cooperate with the Government of the United States in this scientific program, and thereby to contribute to the knowledge of man's spatial environment, has indicated its willingness to agree to the request of the United States to establish the said tracking and communications station in Canton Island and its willingness to make such arrangements as are necessary in connection with the establishment and operation of the station.

Accordingly, the Government of the United States proposes that this station shall be established and operated in accordance with the following provisions :

(1) (a) The costs of constructing, installing, equipping and operating the station, which shall be situated at 2° 47' South Latitude and 171° 41' West Longitude, shall be borne wholly by the Government of the United States.

(b) The Government of the United States shall take all appropriate steps to ensure that existing facilities in Canton Island, and especially the airport, are not unduly burdened by the station and its operating personnel of about eighteen United States citizens.

(2) The specific site or sites and ancillary rights required for the station shall be as agreed upon by the authorized representatives of the two Governments. On the part of the Government of the United States, these shall be representatives of the National Aeronautics and Space Administration (hereinafter referred to as " NASA "). On the part of the Government of the United Kingdom, these shall be the United Kingdom High Commissioner for the Western Pacific, or his representative.

(3) The station shall include installations for telemetry, a ground to air transmitter and a ground receiver; installations for point-to-point communications; a fuel oil storage tank and fuel pumps; power vans; a shore dock; a fuel dock; a fuel oil jetty; facilities for water storage; and necessary supporting buildings and structures for offices, storage, housing, sanitation, and for other purposes which may be required. Buildings shall generally be of a standard prefabricated type, transportable and removable. Power for the station may be generated at the site or sites by equipment installed as part of the station. Roads shall be constructed as necessary, at the expense of the Government of the United States, to connect the station with the local road system and with such other points as may be necessary. NASA shall be permitted to modify the existing Federal Aviation Agency housing development, situated near the airstrip on the northwest tip of Canton Island, to the extent necessary to satisfy its requirements for a water storage facility and for buildings to house its operating personnel.

(4) The Government of the United Kingdom shall cooperate with the Government of the United States to determine the radio frequencies to be used for the station. All radio operations shall be conducted so as not to interfere with the services of installations on Canton Island or in neighboring territories, and shall comply at all times with the provisions of the International Telecommunication Convention.

(5) Construction of the station shall be by a United States contractor who shall, to the maximum extent feasible, employ personnel of a United States Mobile Construction Battalion (Seabees) to perform the required work.

(6) Specially electronic and related equipment required for the station shall be standardized for Project Mercury and shall be installed by United States technicians.

(7) The United Kingdom High Commissioner for the Western Pacific, or his representative, shall, upon request, take all necessary steps to facilitate the admission into Canton Island of materials, equipment, supplies, goods or other property furnished by the Government of the United States for the purposes of the station.

(8) Title to all materials, equipment and other property used in connection with the station shall remain in the Government of the United States. Such materials, equipment and other property may be removed by the Government of the United States at any time.

(9) Any site or other ground from which such materials, equipment or other property are removed shall, if the Government of the United Kingdom so require, be restored as far as possible to its condition at the date of its occupation by NASA.

(10) The station shall be operated by NASA, either directly or through a United States contractor. In either case, the resident director of the station shall be an official of the Government of the United States in the person of a NASA representative. In addition to essential United States technicians and specialists assigned by NASA or its contractor, qualified United Kingdom personnel available locally shall be allowed to participate in the operation and maintenance of the station to the maximum extent deemed feasible by the resident director of the station.

(11) (a) The Government of the United Kingdom shall, upon request, facilitate the entry into Canton Island of such United States personnel as may be assigned by NASA to visit or participate in the establishment and operation of the station.

(b) For the purposes of this paragraph, the expression "United States personnel" means persons not normally resident on Canton Island who are employees of or under contract with the Government of the United States, or with a United States contractor engaged by that Government, in connection with the establishment and operation of the station.

(12) The Government of the United States shall make available to the Government of the United Kingdom all data obtained by the station and other relevant technical information obtained in the operation thereof, as well as all such information obtained in the general operation of "Project Mercury" as the Government of the United Kingdom may require.

(13) Supplementary arrangements between NASA or its resident director, on the one hand, and the United Kingdom High Commissioner for the Western Pacific, or his representative, on the other hand, may be made from time to time as required, for the carrying out of the purposes of this Agreement.

(14) It is understood that to the extent that the carrying out of this Agreement will depend on funds appropriated by the Congress of the United States, it is subject to the availability of such funds.

(15) (a) The Government of the United States anticipates that the station will be required for use until July 1, 1963. The Government of the United Kingdom agrees that the station may be operated in accordance with the provisions of the present Exchange of Notes until that date, and thereafter, on the request of the Government of the United States, for such additional period and on such terms as may be agreed upon by the two Governments.

(b) Should changed conditions alter the requirement of the Government of the United States for the station at any time prior to July 1, 1963, that Government shall have the right to terminate its use of the station after ninety days advance notice to the Government of the United Kingdom of its intention to terminate the use of the station.

(16) It is understood that the present Exchange of Notes shall prejudice neither the respective claims of either Government to Canton Island nor any interpretation of the Agreement effected by an Exchange of Notes on April 6, 1939, aforesaid, which either Government may wish to advance in the future.

If the foregoing provisions are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honor to propose that this note and your reply to that effect shall constitute an Agreement between the two Governments which shall enter into force on the date of your note in reply.

Accept, etc.

Walworth BARBOUR
Chargé d'Affaires ad interim

II

*The Secretary of State for Foreign Affairs to the United States Chargé d'Affaires
ad interim at London*

FOREIGN OFFICE, S.W.1

April 6, 1961

Sir,

I have the honour to acknowledge receipt of your Note of today's date about the establishment in Canton Island of a Space Vehicle Tracking and Communications Station in connexion with the manned satellite programme of the Government of the United States of America, known as "Project Mercury", which Note reads as follows :

[See note I]

2. I have the honour to inform you that the above proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that your Note, together with the present reply, shall constitute an Agreement between the two Governments which shall enter into force on today's date.

I have, etc.

For the Secretary of State :

H. C. HAINWORTH