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No. 7889

**UNITED STATES OF AMERICA
and
MEXICO**

**Exchange of notes constituting an agreement relating to
the continuation and expanded use of the tracking
and communications station at Empalme-Guaymas,
Sonora. Mexico, 27 February 1965**

Official texts : English and Spanish.

Registered by the United States of America on 12 August 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE**

**Échange de notes constituant un accord relatif au maintien
et au développement des opérations de la station de
pistage et de télécommunications d'Empalme-Guaymas
(Sonora). Mexico, 27 février 1965**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 12 août 1965.

No. 7889. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND MEXICO RELATING TO THE CONTINUATION AND EXPANDED USE OF THE TRACKING AND COMMUNICATIONS STATION AT EMPALME-GUAYMAS, SONORA. MEXICO, 27 FEBRUARY 1965

I

The American Ambassador to the Mexican Secretary of Foreign Relations

No. 1220

Mexico City, February 27, 1965

Excellency :

I have the honor to refer to the Agreement between our two Governments effected by an exchange of notes signed at Mexico City on April 12, 1960,² concerning the establishment and operation, for exclusively scientific purposes, of the Tracking and Communications Station established at Empalme-Guaymas, Sonora, which, by the exchange of notes also signed at Mexico City on May 16, 1963,³ was extended to November 30, 1964, and temporarily to January 31, 1965, and finally, to February 27, 1965, in order that the Government of Mexico might decide whether or not it was in a position to extend it again for a longer period of time.

As a result of the recent conversations that I had with Your Excellency, to the effect that the Government of Mexico is willing, in principle, to continue its cooperation with the Government of the United States of America in the maintenance of this scientific program that has so successfully been operating in peaceful space research, the Government of the United States of America proposes that the cooperation noted above be extended to accommodate continued development of experimental programs of a peaceful and scientific character contributing to manned and unmanned flight, including the provision of such additional equipment as may be required at the Station consistent with these purposes.

To that end and for the purpose of reducing the Agreement to a single text, it is further proposed that the aforesaid notes exchanged between the two Governments on April 12, 1960, May 16, 1963, and January 27, 1965,⁴ be replaced by this note and Your Excellency's reply thereto, which shall

¹ Came into force on 27 February 1965 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 372, p. 47.

³ United Nations, *Treaty Series*, Vol. 479, p. 379.

⁴ United Nations, *Treaty Series*, Vol. 541, No. 5287.

constitute the present Agreement between our two Governments on this matter, in the following terms :

I

Inasmuch as the Government of Mexico — having in mind that this is a project definitely civilian in character, without military objectives, and unrelated to programs of atomic energy — has manifested its interest in participating in this scientific experiment and, consequently, has contributed toward the knowledge of the results thereof, it has decided to continue contributing toward the useful development of the project as it has hitherto been doing.

II

The Tracking and Communications Station, which forms part of a world-wide network of similar stations established through cooperation between the Government of the United States of America and other governments, will continue to operate in accordance with the rules hereinafter specified.

III

For the purpose of the above-described operation, the Mexico-United States Commission for Space Observations, created for this purpose and composed of two Sections, the Mexican and the United States Sections, shall be continued. Each of the two Sections shall have three members, appointed respectively by the two Governments or their agencies, and they shall serve jointly as the contact organization between the two Governments and, in the spirit of friendship that characterizes relations between Mexico and the United States and with the scientific aims pursued, shall continue to be in charge of seeing to it that the operation can be brought to a successful conclusion. The Commission's headquarters shall continue to be in Mexico City.

IV

The maintenance and operation of the Station shall be subject to the following principles and procedures :

1. The scientific data obtained as the result of this experiment shall be made available to the scientists of all participating countries. Thus, Mexican scientists shall have ample opportunity to continue participating in this attempt to explore the mysteries of outer space.

2. Consistent with the peaceful scientific nature of this cooperative project, the Government of the United States of America is prepared to grant access on a reciprocal basis to scientists of all participating countries, including Mexican scientists, to visit the stations concerned with this same project in the United States.

3. The Station may be used for scientific activities of interest to the Government of Mexico, on the understanding that such activities will be conducted in such manner as not to interfere with the agreed schedules of operation and that any

additional costs of operation incident to such activities will be borne by the Government of Mexico.

4. Participation of qualified Mexican technicians on an extended or permanent basis in the operation of the Station will be encouraged, pursuant to agreed training arrangements between the National Aeronautics and Space Administration (NASA) and the National Commission on Outer Space, of the Secretariat of Communications and Transport. Furthermore, the National Commission on Outer Space may send technicians to the Station for the time which it considers necessary to observe its installations and operation.

5. The Government of Mexico shall continue to make available to the Commission, without any cost to the latter and for the time hereinafter specified, the land, which belongs to México, where the Station is at present installed at Empalme-Guaymas, Sonora.

6. The costs of construction, installation, preservation, maintenance, material, equipment, and operation of the Station, and in general all other costs connected with the execution of the project to which this Agreement refers, shall be borne by the Government of the United States of America.

7. The Government of Mexico shall bear the cost of preserving and maintaining the three access roads built by that Government in compliance with the provisions set forth in the notes exchanged on April 12, 1960, within the right of way 51 meters in length and 17 meters in width of each of the said roads which at present connect the Station with the local highway to Ortiz, which highway presently passes in front of the site where the Station is located and is connected with Highway 15 of the national highway system; with the understanding that the Government of Mexico may continue to use these three access roads without any cost to it.

8. The Station shall consist of installations for an S-band radar, a telemeter, a ground-to-air transmitter and a ground receiver; installations for point-to-point communications to the extent that communications requirements cannot be met by local telephone and telegraph facilities; and buildings and structures for offices, storage, housing, sanitation, and other similar purposes. The structures will generally be of the standard prefabricated type, transportable and removable.

9. The power for the Station shall be obtained from the nearest local plants and only if this is not possible shall it be generated at the site where adequate equipment is to be installed as part of the Station itself.

10. At the request of the Commission, the Government of Mexico shall authorize the use of the radio frequencies required for the purposes of the Station, on the understanding that the high frequency channel for ground-to-air communications with the space vehicles shall be provided by the United States of America. All radio operations shall be conducted so as not to cause interference with Mexican installations.

11. Construction and maintenance of the Station shall continue to be carried out by the United States Section, through a United States contractor, who shall employ, to the extent possible, local subcontractors and labor, as well as materials and supplies available locally.

12. The special electronic and related equipment required for the Station shall be standard equipment suitable for the project and shall be installed by technicians of the United States of America.

13. Upon the request of the Government of the United States of America, the Government of Mexico shall facilitate the entry into Mexico of the material and equipment necessary for the construction, installation, and operation of the Station. No tax, duty, or charge shall be levied or assessed in Mexico on the material and equipment referred to in this article.

14. Title to movable material and equipment acquired by the Government of the United States of America for the construction, installation, and operation of the Station shall remain in the name of the said Government. The part of this material and equipment brought to Mexico for that purpose may be exported by the Government of the United States of America at any time free of taxes and duties.

15. The Government of the United States of America agrees that the National Aeronautics and Space Administration (NASA) of the said Government shall furnish the technicians necessary for the operation of the Station. The United States Section shall take steps with the Mexican Section to facilitate, as far as possible, the contracting and use of qualified Mexican personnel.

16. The Government of Mexico shall take the necessary steps to facilitate the admission into Mexico of the personnel designated by the National Aeronautics and Space Administration (NASA) for the purpose of visiting the Station or participating in its operation.

17. (a) The Government of the United States of America anticipates that it will be necessary for the Station to continue to function until November 30, 1970. Consequently, the two Governments agree that the Station shall be operated in accordance with the provisions herein set forth until the aforesaid date, November 30, 1970, when this Agreement shall expire, unless either of the two Governments terminates it before that date by notifying the other Government in writing to that effect 180 days in advance.

(b) If, upon termination of this Agreement, the Government of the United States of America should desire to dispose of all or part of the material, equipment, or other items of its property, the two Governments shall enter into consultation as soon as possible within the 180 days prior to November 30, 1970, or after notice of termination of this Agreement, in order to make the necessary arrangements. In case no arrangement is made, the said materials, equipment, or items shall be exported for the account of the Government of the United States of America.

18. From time to time and to the extent that implementation of the purposes and provisions of this Agreement may require, supplementary agreements may be concluded between the two Sections of the Commission, which shall be submitted by it to the Governments of Mexico and the United States of America for their necessary approval.

19. Inasmuch as the execution of this Agreement from the 27th of this month to November 30, 1970, or any intervening date, will depend, insofar as the United States is concerned, on such funds as are appropriated by the Congress of the United

States of America for the operation of the Station, it is understood that the said execution shall be subject to the availability of such funds.

V

The Government of the United States of America understands that, as the Government of Mexico expressed in the above-mentioned note of May 16, 1963, from the Secretary of Foreign Relations to the Ambassador of the United States of America, the acceptance by the Government of Mexico of the proposal to continue giving its cooperation in the scientific experiment which is the purpose of this Agreement is based on the understanding that the Station will be used exclusively in experiments that are scientific and technical in character, without any military objectives, and are not connected with atomic energy programs.

VI

The Government of the United States of America further understands that acceptance by the Government of Mexico is also motivated by the high ideals of Resolution 1721 (XVI) ¹ approved by the United Nations General Assembly on December 20, 1961, in which it recognized "that all humanity is interested in developing the use of outer space for peaceful purposes and that international cooperation in this important field must be strengthened immediately, in view of the fact that outer space must be explored and used solely for the benefit of mankind and in the interest of the States, whatever their degree of economic and scientific development", which ideals were confirmed by Resolution 1802 (XVII) ² approved by the General Assembly on December 14, 1962, to the effect "that the activities of States in the exploration and use of outer space must be carried out in accordance with international law, including the Charter of the United Nations, in the interest of friendly relations between nations", both of which resolutions were approved in the General Assembly by a unanimous vote, which included the votes of the Governments of Mexico and the United States of America.

If the foregoing provisions, principles, and procedures are acceptable to Your Excellency's Government, I have the honor to propose that this note and Your Excellency's note in reply thereto constitute the present Agreement between our two Governments on this matter, which shall enter into force on the date of your note in reply.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

Fulton FREEMAN

His Excellency Antonio Carrillo Flores
Secretary of Foreign Relations
Mexico, D.F.

¹ United Nations, *Official Records of the General Assembly, Sixteenth Session, Supplement No. 17* (A/5100), p. 6.

² United Nations, *Official Records of the General Assembly, Seventeenth Session, Supplement No. 17* (A/5217), p. 5.

como un acuerdo entre nuestros dos Gobiernos, el cual entrará en vigor en esta fecha.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

Antonio CARRILLO FLORES

Al Excelentísimo Señor Fulton Freeman
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América
Presente

[TRANSLATION ¹ — TRADUCTION ²]

MINISTRY FOR FOREIGN RELATIONS
UNITED MEXICAN STATES
MEXICO

501879

Mexico City, February 27, 1965

Mr. Ambassador,

I have the honor to acknowledge receipt of Your Excellency's courteous note No. 1220 of today's date which reads as follows :

[*See note I*]

In this connection I wish to inform Your Excellency that my Government accepts the terms of the foregoing text and considers the aforementioned note and this one as an agreement between our two Governments, which shall enter into force on this date.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

Antonio CARRILLO FLORES

His Excellency Fulton Freeman
Ambassador Extraordinary and Plenipotentiary
of the United States of America
City

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.