

No. 11026

FRANCE
and
ARGENTINA

Exchange of letters constituting an agreement concerning the installation and operation of launching sites for the implementation of the "Éole" Project. Buenos Aires, 21 March 1969

Exchange of letters constituting an agreement amending the above-mentioned Agreement. Buenos Aires, 30 October and 16 December 1969

Authentic texts: French and Spanish.

Registered by France on 5 April 1971.

FRANCE
et
ARGENTINE

Échange de lettres constituant un accord relatif à l'installation et l'exploitation d'aires de lancement pour la réalisation du projet « Éole ». Buenos Aires, 21 mars 1969

Échange de lettres constituant un accord modifiant l'Accord susmentionné. Buenos Aires, 30 octobre et 16 décembre 1969

Textes authentiques: français et espagnol.

Enregistrés par la France le 5 avril 1971.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND ARGENTINA CONCERNING THE INSTALLATION AND OPERATION OF LAUNCHING SITES FOR THE IMPLEMENTATION OF THE “ÉOLE” PROJECT

I

EMBASSY OF FRANCE IN ARGENTINA

Buenos Aires, 21 March 1969

Sir,

Within the framework of its space programme, the French Government is considering the implementation of the “Éole” project. This experiment, which is being undertaken in compliance with the resolutions of the Executive Committee of the World Meteorological Organization concerning the World Weather Watch, calls for the launching of a large number of balloons from the Southern Hemisphere, operating together with the FR-2 satellite launched under a protocol of agreement with NASA. Argentina offers a privileged geographical location and favourable logistical support; moreover, the Comisión Nacional de Investigaciones Espaciales (National Commission for Space Research) has expressed great interest in participating in the project both with respect to the balloon launchings and the acquisition and interpretation of the results.

I was pleased to learn of the protocol of agreement concerning co-operation in the field of space research concluded at Buenos Aires on 12 October 1962 between the Comisión Nacional de Investigaciones Espaciales and the Centre national d'études spatiales (National Centre for Space Studies). The installation and operation of balloon launching sites in Argentina would help to carry on the co-operation which has already been initiated by CNES and CNIE.

A CNES mission visited Argentina from 10 February 1968 to 28 March 1968 to discuss with various Argentine departments the conditions for implementing the joint project. In view of the warm welcome extended to the mission, I have the honour to propose that, in pursuance of the Agreement on cultural, scientific and technical co-operation between the Government of the Argentine Republic and the Government of the French Republic, signed at Buenos Aires on 3 October 1964,² the terms applicable to the joint project should be the following:

¹ Came into force on 21 March 1969 by the exchange of the said letters.

² United Nations, *Treaty Series*, vol. 635, p. 155.

A. The Argentine Government will authorize the installation and operation in its territory of a complex of four balloon launching stations to be used, in particular, in the framework of the ÉOLE project. Each station would be capable of launching at least three of four balloons per day. The complex of four stations will be evenly spaced north to south latitudinally within the territory of the country and roughly along the same meridian. The stations will be placed in the immediate vicinity of Salta, Mendoza, Neuquén and Ushuaia on sites made available to the French Government by the Argentine Government, in accordance with the provisions of the contract referred to in article C below.

B. The two Governments will consult each other regarding the possibility of setting up such other facilities in Argentine territory as are necessary to the French Government and of interest to the Argentine Government.

C. The organizations responsible for giving effect to this Agreement shall be:
For the Argentine Government, the Comisión Nacional de Investigaciones Espaciales (CNIE);

For the Government of the French Republic, the Centre nationale d'études spatiales (CNES).

The conditions for carrying out the project will be governed by a contract between CNES and CNIE.

D. The French Government will construct and operate the balloon stations. It assumes responsibility for the supervision of operations in close co-operation with the Argentine Government.

In assuming responsibility for the operation of the stations, it will ensure close contact between the French personnel and Argentine technicians in accordance with arrangements to be worked out between CNES and CNIE under article C.

Argentine scientific personnel will participate, in France, in the processing and interpretation of the results of the experiment.

E. In accordance with its regulations, the Argentine Government will authorize the use of radio frequencies for the long-distance links required for the operational activities of the stations and will provide the appropriate radio safeguards for the said links as well as for the launching operations.

F. 1. The equipment, materials, spare parts and supplies for the installation and operation of the launching sites will be exempt from the prior issue of an import licence and from proof of coverage in foreign currency where these formalities are required. They will be exempt from consular fees and customs duties, import duties, taxes on the purchase, consumption and sale of goods and all other similar taxes and charges which may be imposed by the Government of the Argentine Republic or the local authorities.

The equipment, materials, spare parts and supplies imported under the above conditions, which are not left on the spot, will be re-exported with the same exemptions. Balloons and gondolas will be deemed to be unrecoverable goods for consumption. The Argentine Government will authorize the export of gondolas which have not been used, as well as the final import of empty helium cylinders and any other material left on the spot.

2. (a) The Argentine Government will grant an official visa to persons designated by CNES and to members of their families.

(b) This personnel will be exempt from customs duties and charges and from the issue of import and export licences and similar restrictions of an economic nature in respect of their furniture, articles for personal consumption and articles intended for their initial installation.

(c) The exemption referred to in subparagraph (b) above will also be granted for the import and re-export of a personal automobile imported in their own name.

(d) The Argentine Government will exempt this personnel, for the duration of their official stay in Argentina, from all taxes and charges relating to their income, as well as from social security taxes; this exemption shall extend to members of their families.

3. The French Government will grant to persons designated by CNIE, who have to remain in French territory for the purposes of the project, the same advantages as those specified in paragraph 2 above.

G. 1. Disputes between the Parties arising out of the interpretation or implementation of the terms of this letter must, at the request of either Party, be submitted to arbitration. If one of the Parties intends to submit a dispute to arbitration, it shall notify the other to that effect.

2. The arbitral tribunal will be composed of three members, including one arbitrator appointed by Argentina and one arbitrator appointed by France, the third arbitrator, who will preside, being designated by the other two.

3. If, within the three months following the date of notification in accordance with paragraph 1 above, one of the Parties has failed to appoint an arbitrator as provided in paragraph 2 above, the arbitrator will be chosen, at the request of the other Party, by the President of the International Court of Justice at The Hague. The same procedure will be followed at the request of either Party if, within the month following the appointment of the second arbitrator, the first two arbitrators have not reached agreement on the appointment of the third arbitrator.

4. The tribunal will sit at Buenos Aires. It will establish its own procedure. The tribunal's decision will be final and binding on both Parties; it will not be subject to appeal. In the event that the meaning or scope of the decision should be contested, it will be interpreted by the tribunal at the request of either Party.

H. In the event that all or some launching sites are not to be maintained:

1. Immovable property installed in accordance with this letter will remain in the possession of the Argentine Government, which will use it, free of charge, as it deems fit;

2. The French Government may remove, without restriction and completely free of duty, materials, equipment and spare parts which it does not intend to leave on the spot.

I should be grateful if you would confirm that the Argentine Government agrees to the above proposals. Should this be the case, this letter and your reply will constitute an agreement concerning the installation and operation of launching sites in Argentine territory, which will enter into force on the date of the exchange of these letters and remain in force for five years.

At the request of either Government, and in the event that circumstances should change fundamentally, the provisions of this exchange of letters may be reviewed. These provisions may also be renewed by agreement between the two Governments, which will determine the period of such renewal.

Accept, Sir, etc.

JEAN DE LA GRANDVILLE
Ambassador of France

His Excellency Mr. Nicanor Costa Méndez
Minister of Foreign Affairs and Worship

II

EXECUTIVE BRANCH

MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

Buenos Aires, 21 March 1969

Sir,

I am pleased to acknowledge receipt of your letter of today's date, which reads as follows:

[See letter I]

I take pleasure in confirming my agreement to the suggestions made, as set out in the letter reproduced above, which, together with this note, shall constitute a formal agreement between our Governments.

Accept, Sir, etc.

[NICANOR COSTA MÉNDEZ]

His Excellency Count Jean de la Grandville
Ambassador of France
Buenos Aires

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND ARGENTINA AMENDING THE FRANCO-ARGENTINE AGREEMENT OF 21 MARCH 1969 CONCERNING THE DEVELOPMENT OF THE « ÉOLE » PROJECT²

I

EMBASSY OF FRANCE IN ARGENTINA

Buenos Aires, 30 October 1969

No. 273.

Sir,

Under an Agreement dated 21 March 1969,² the Argentine Government agreed to participate in the "Éole" project designed by the French Government, in particular by authorizing the latter to install balloon launching stations in its territory.

On the basis of the technical data available at the time, it was agreed that the number of such stations should be fixed at four. After a more thorough study, technical and technological considerations have led the French Government to consider setting up three stations and to eliminate the station which was to have been built in the vicinity of Jujuy (Huacalera). I must stress that this change, of which the authorities of the Comisión Nacional de Investigaciones Espaciales have been informed, in no way diminishes the importance attached by the French Government to the co-operation of the Argentine Government in the implementation of the ÉOLE programme.

If this proposal is acceptable to you, I propose that the terms of the exchange of letters of 21 March 1969 be amended, and paragraph A in particular, which should then read as follows: "The Argentine Government authorizes the installation and operation in its territory of a complex of three balloon launching stations. . . . The stations will be placed in the immediate vicinity of Mendoza, Neuquén and Ushuaia."

This letter and your reply would constitute an amendment to the Agreement of 21 March 1969. This amendment would take effect retroactively on that date.

Accept, Sir, etc.

[Signed]

JEAN DE LA GRANDVILLE
Ambassador of France

His Excellency Mr. Juan B. Martín
Minister of Foreign Affairs and Worship
San Martín Palace

¹ Came into force on 16 December 1969 by the exchange of the said letters, with retroactive effect from 21 March 1969, the date of entry into force of the Agreement of 21 March 1969, in accordance with the provisions of the said letters.

² See p. 415 of this volume.

II

MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

Buenos Aires, 16 December 1969

Sir,

I have the honour to acknowledge receipt of your note No. 273 of 30 October, in which you informed me that the French Government has decided, for technical reasons, to fix at three the number of Éole project launching stations in Argentine territory.

I am pleased to accept your proposal, which would amend the terms of the exchange of letters of 21 March 1969 in this respect, and paragraph A in particular, which should read as follows:

[See letter I]

I take this opportunity to renew to you, Sir, etc.

[Signed]

JOSÉ MARÍA ALVAREZ DE TOLEDO
Minister of Foreign Affairs and Worship

His Excellency Count Jean de la Grandville
Ambassador of France
