



Treaty Series No. 36 (1951)

Exchange of Notes

between the Governments of the
United Kingdom and the United States of America
relating to Lease to the United States of a
Fleet Anchorage in the Gulf of Paria

Washington, 6th February/6th March, 1951

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty*

LONDON
HIS MAJESTY'S STATIONERY OFFICE

TWOPENCE NET

**EXCHANGE OF NOTES BETWEEN THE GOVERNMENTS OF
THE UNITED KINGDOM AND THE UNITED STATES OF
AMERICA RELATING TO LEASE TO THE UNITED STATES
OF A FLEET ANCHORAGE IN THE GULF OF PARIA**

Washington, 6th February/6th March, 1951

No. 1

*His Majesty's Embassy at Washington to the United States
Department of State*

British Embassy,

Sir,

Washington, 6th February, 1951.

I HAVE the honour, &c., to invite your attention to paragraph (4) of Annex III (E) of the Leased Bases Agreement of 27th March, 1941⁽¹⁾, between the Governments of the United Kingdom of Great Britain and Northern Ireland, and the United States of America which provides as follows:—

“Whenever required and after notification to the Governor of Trinidad, the United States shall have control over an anchorage, to be known as the United States Fleet Anchorage, comprising the whole or any part of an area in the Gulf of Paria lying north of the line (extended) of the present dredged channel to Port of Spain and west of the longitude of Cumana Point, of about 12 square miles in depths of more than 5 fathoms with additional anchorage in less depths. When not required by the United States, the control of the whole or any part of the area shall revert to the Government of Trinidad, on due notification, until such time as the Government of Trinidad is notified that control is again required. The notification mentioned above shall contain a description of the area required or not required as the case may be. The provisions of this Agreement applicable to Leased Areas shall, during the period of United States control, apply to the anchorage to the full extent necessary or appropriate for the establishment, use, operation, defence and control thereof.”

2. As a result of consultations which have subsequently taken place between Representatives of the Governments of the United Kingdom and of the United States with the object of giving further effect to the said paragraph, the said Representatives have drawn up the following provisions:—

- (a) In conformity with Section 4 of Annex III (E) of the Leased Naval and Air Bases Agreement⁽¹⁾ between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland, signed 27th March, 1941, whereby the Government of the United States has the right from time to time as required to assert, relinquish, and re-assert control over an anchorage, to be known as the United States Fleet Anchorage, in the Gulf of Paria, it is agreed that the United States shall be the sole judge of whether the requirement for such an anchorage in fact exists.
- (b) Notification of the anchorage required, which may vary in size as necessity dictates, shall be made locally by the appropriate United States Naval authorities to the Government of Trinidad through the United States Consulate-General in Port of Spain and, unless otherwise stated, United States Naval control will be effective as from the time specified in the notification. The United States Naval

⁽¹⁾ “Treaty Series No. 2 (1941),” Cmd. 6259.

authorities will endeavour to give reasonable advance notification whenever a fleet anchorage is required. Upon receipt of such notification the local Government will immediately take steps to clear the area required, or any part thereof, of shipping, if specially requested to do so.

- (c) When the fleet anchorage is no longer required, prompt notice of relinquishment of the area, or so much thereof as is not required, will be given to the Government of Trinidad, but the absence of vessels from the fleet anchorage, or any part thereof, shall not be regarded as constituting a relinquishment of the area.
- (d) The United States Government shall have within the territorial waters contiguous to the United States Naval Operating Base, all the rights, power and authority necessary or appropriate to provide access to and defence and control of the leased area as provided by Article 1 (1) of the Leased Naval and Air Bases Agreement⁽¹⁾. The limits of the territorial waters of which control is considered essential to the security of the Base will be defined from time to time by agreement between the local United States Naval authorities and the Governor of Trinidad, through the United States Consulate-General in Port of Spain. The territorial waters at present agreed upon as being essential to the security of the Base are the areas described as Prohibited and Restricted Areas in the "United States Bases (Prohibited and Restricted Areas) Regulations, 1948"—Government Order No. 123 of 20th July, 1948, published as an Extraordinary Issue of the *Trinidad Royal Gazette*, Volume 117, No. 60, of 24th July, 1948, with which the terms and provisions of this understanding are considered to be in accord.
- (e) Within the area mentioned in sub-paragraph (d) above, as being essential to the security of the base, the United States Government will have at all times the right to maintain security patrols, operate seaplanes, anchor vessels of the United States, and control movements of ships and waterborne craft. The United States Government will not exercise control over any islands not included in the lease but which may be included within the waters so defined, except for the United States installations which may, by agreement, have been placed thereon.
- (f) Subject only to such restrictions as the United States Government may require for reasons of military necessity or for proper police control:—
- (1) The United States Government will not hinder the rights of development possessed by the Colony of Trinidad and Tobago in Pointe Gourde and in the Islands forming part of the Colony and adjoining the United States Leased Area;
 - (2) The Government of Trinidad, members of His Majesty's Forces, and all persons employed or having business at Pointe Gourde, the islands mentioned in sub-paragraph (1) above and La Retraite, shall have the right of access by land and sea to those places.
 - (3) The United States agree that the Government of Trinidad may declare one or more areas in Chaguaramas Bay to be harbour areas, subject to prior discussion with the local United States Consular and Naval authorities. In addition, the United States Government will give sympathetic consideration to any requests which the Government of the United Kingdom may from time to time put forward through the diplomatic channel on behalf

(1) "Treaty Series No. 2 (1941)," Cmd. 6259.

of the Government of Trinidad for clearly defined harbour areas outside Chaguaramas Bay but within the limits of territorial waters as may be defined from time to time in accordance with the provisions of sub-paragraph (d) above.

- (g) The restrictions referred to in sub-paragraph (f) above will so far as practicable be defined by consultation between the local United States authorities and the Government of Trinidad.
- (h) If, in granting these rights of access and development, it should become impracticable, because of a reduction in activity at the United States Naval Operating Base, for the United States Government to provide sufficient police control for future increased traffic through the Naval Base, the Government of Trinidad will provide at its own expense such additional measures of police control as may be necessary.
- (i) The measures taken under Article I and Annex III (E) (4) of the Leased Naval and Air Bases Agreement⁽¹⁾ and under the present arrangements in the waters contiguous to the Naval Base at Trinidad shall be exercised with due regard to the convenience and requirements of the Colony of Trinidad and Tobago and in particular the United States rights to a fleet anchorage shall not be exercised for longer periods than are required by operational considerations.
- (j) Should the United Kingdom be engaged in war and the United States be neutral, the right to a fleet anchorage and to control the territorial waters mentioned in sub-paragraph (d) above shall not be exercised by the United States in such a manner as to obstruct the United Kingdom in the effective defence of the Colony of Trinidad and Tobago.

3. His Majesty's Government in the United Kingdom are ready, for their part, to accept the provisions set out in paragraph 2 above. If they are likewise acceptable to the Government of the United States of America, I suggest that this note and your Excellency's reply thereto be regarded as constituting an agreement between the two Governments for carrying out the purposes of paragraph (4) of Annex III (E) of the said Agreement of 27th March, 1941⁽¹⁾, with effect from the date of your Excellency's reply.

I avail myself, &c.

OLIVER FRANKS.

No. 2

*The United States Department of State to
His Majesty's Embassy at Washington*

Department of State,

Excellency:

Washington, 6th March, 1951.

I HAVE the honor to acknowledge the receipt of your Excellency's note No. 66 of 6th February, 1951, which reads as follows:—

[As in No. 1]

In reply I have the honor to state that the provisions set out in paragraph 2 of your Excellency's note are acceptable to the Government of the United States of America and that your Excellency's note and this reply will be regarded as constituting an agreement between our two Governments for carrying out the purposes of paragraph (4) of Annex III (E) of the said Agreement of 27th March, 1941⁽¹⁾, with effect from the date of this reply.

Accept, &c.

JAMES E. WEBB.

⁽¹⁾ "Treaty Series No. 2 (1941)," Cmd. 6259.