



Treaty Series No. 51 (1951)

Exchange of Notes

between the Government of the United Kingdom
and the Government of the United States of America
concerning the Designation of an Appropriate Area
within the Boundaries of the United States Kindley
Air Force Base in Bermuda for the Provision
of Civil Airport Facilities

Washington, 23rd March/25th April, 1951

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty
July, 1951*

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Cmd. 8290

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE DESIGNATION OF AN APPROPRIATE AREA WITHIN THE BOUNDARIES OF THE UNITED STATES KINDLEY AIR FORCE BASE IN BERMUDA FOR THE PROVISION OF CIVIL AIRPORT FACILITIES

Washington, 23rd March/25th April, 1951

No. 1

His Majesty's Ambassador at Washington to the United States Secretary of State

British Embassy,

Washington, 23rd March, 1951.

Sir,

I HAVE the honour to refer to the discussions which took place in Bermuda in June and July, 1948, and subsequently between the United States military authorities and the Government of Bermuda concerning the designation by the United States military authorities of an appropriate area within the boundaries of the United States Kindley Air Force Base in Bermuda for the provision of civil airport facilities, and to state that the following is the understanding of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland in this matter:—

- (a) The United States military authorities have, in accordance with Article VIII (2) (a) of the Agreement dated 24th February, 1948⁽¹⁾, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America concerning the opening of certain military air bases in the Caribbean area and Bermuda to use by civil aircraft (hereinafter called the Basefields Agreement), designated an area, within the boundaries of Kindley Air Force Base in Bermuda (referred to as "Kindley Field, Bermuda," in the Basefields Agreement), defined by the following description in terms of general directions and distances from existing runways and the shore line, for the provision of civil airport facilities:

On Kindley Air Force Base, Bermuda, beginning at a point established by extension of a line drawn perpendicular to the centre line of runway 8-26 to a distance of 500 ft. therefrom, said point being the new parallel to said centre line until intersecting the North-West edge of closed runway 5-23; thence continuing in an East-North-Easterly direction parallel to aforesaid centre line for a distance of 350 ft.; thence South-East for a distance of approximately 249 ft. to a point 50 ft. from the Castle Harbour shore line at mean sea level; thence in a South-Westerly direction parallel to and 50 ft. from the shore line at mean sea level for a distance of approximately 330 ft.; thence North-West for a distance of approximately 60 ft.; thence South-West for a distance of 33 ft.; thence South-East for a distance of approximately 60 ft.; to a point 50 ft. from the shore line at mean sea level; thence in a South-Westerly direction parallel to and 50 ft. from the shore

(1) "Treaty Series No. 22 (1948)," Cmd. 7389.

line at mean sea level for a distance of approximately 330 ft.; thence North-West for a distance of approximately 115 ft.; thence West-South-West for a distance of 62 ft.; thence South-West for a distance of approximately 216 ft. to a point 50 ft. from the shore line at mean sea level; thence in a West-North-Westerly direction parallel to and 50 ft. from the shore line at mean sea level for a distance of 353 ft.; thence in a Westerly direction to and 50 ft. from the shore line at mean sea level for a distance of 70 ft.; thence in a West-South-Westerly direction parallel to and 50 ft. from the shore line at mean sea level for a distance of 270 ft.; thence North-West for a distance of 220 ft.; thence North-East for a distance of 360 ft.; thence in an East-North-Easterly direction parallel to and 500 ft. from the centre line of runway 8-26 for a distance of 798 ft. to the point of beginning; an area of 14.98 acres, more or less.

(b) The Government of Bermuda will not be required to pay rent to the United States Government for its use of the aforementioned designated area.

(c) The Government of the United States of America and His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland hereby agree that, in so far as Kindley Field, Bermuda, is concerned, the provisions of paragraph (1) of Article XIII of the Basefields Agreement shall be interpreted to read as follows, so as to exclude therefrom the proviso entitling either Government to terminate the Agreement after it has been in effect fifteen years:

“(1) The present Agreement shall become effective on signature and shall continue in effect until the expiration of the lease of the Leased Area.”

(d) The United States military authorities will permit the Government of Bermuda to construct, install, maintain and use such works and fixtures in, over, under or upon land, within the base but outside the designated area, as may reasonably be required for the purpose of providing water, electricity, fuel, sanitation, drainage, telephonic or telegraphic communications and other necessary services for and in connexion with the provision of civil airport facilities within the designated area, and to have access to and from the designated area in the directions of Hamilton and St. George's and also to have convenient access at all reasonable times to any such works or fixtures as above mentioned. The right is reserved to the United States military authorities to determine how access to such works and fixtures, and access to the designated area are to be had, as well as the right to determine the manner and location of the construction and installation of any such works and fixtures, so as to prevent any variance with prevailing construction criteria as promulgated in current United States Air Force Regulations and Directives. The United States military authorities, moreover, shall have the right to assume complete and unrestricted control and use of any such works and fixtures, should this prove to be necessary for military reasons of overriding necessity.

(e) Either His Majesty's Government or the Government of the United States of America may at any later date reopen discussions about the size of the area designated for the provision of civil airport facilities and the extent to which the use of the area is subject to limitations if at any time it should appear to them that the designated area is either insufficient to accommodate all the facilities required by civil aircraft or more than sufficient for this purpose.

2. I have the honour to propose that, if the United States Government's understanding of the matter agrees with the foregoing, the present Note and your Excellency's reply to that effect should be regarded as constituting an agreement between the two Governments with respect to the designation by the United States military authorities of an appropriate area within the boundaries of the United States Kindley Air Force Base in Bermuda for the provision of civil airport facilities.

I avail, &c.

OLIVER FRANKS.

No. 2

*The United States Secretary of State to His Majesty's
Ambassador at Washington*

*Department of State,
Washington, 25th April, 1951.*

Excellency,

I HAVE the honor to refer to your Note No. 193, dated 23rd March, 1951, concerning the designation by the United States military authorities of an appropriate area within the boundaries of the United States Kindley Air Force Base in Bermuda for the provision of civil airport facilities.

The United States Government is in accord with the understanding of the Government of the United Kingdom in this matter as it is set forth in the Note under reference, and agrees that your Note No. 193 and this reply thereto should be regarded as constituting an agreement between the two Governments with respect to that subject.

Accept, &c.

DEAN ACHESON.

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1951

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