

UNITED STATES
OF AMERICA



Treaty Series No. 60 (1968)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the United States of America
regarding the Establishment
of an Apollo Unified S-Band Facility on
Grand Bahama Island

London, 26 April and 3 May 1968

[The Agreement entered into force on 3 May 1968]

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
July 1968*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
REGARDING THE ESTABLISHMENT OF AN APOLLO UNIFIED
S-BAND FACILITY ON GRAND BAHAMA ISLAND**

No. 1

*The Ambassador of the United States of America to the Secretary of State
for Foreign Affairs*

No. 7
Sir,

*Embassy of the United States of America,
London, April 26, 1968*

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the Establishment in the Bahama Islands of a Long-Range Proving Ground for Guided Missiles, signed at Washington on July 21, 1950,⁽¹⁾ as amended by the Exchange of Notes between the two Governments signed in Washington on July 17, 1967⁽²⁾ (hereinafter referred to as "the Agreement").

The Government of the United States now desires to establish on the Island of Grand Bahama, on a site which is one mile north of the South Shore Road and two and one-half miles north east of the South Riding Point Theodolite Annex, a transportable Apollo Unified S-Band facility. This facility, which would be operated for the United States National Aeronautics and Space Administration, would be used for the tracking of and communication with space vehicles.

I now, therefore, have the honor to propose that the provisions of the Agreement, subject to the modifications detailed in the Annex to this Note, shall apply to the Apollo facility described in paragraph 2 of this Note.

The precise definition of the land required for the facility shall be as agreed between the representatives designated by their respective Governments.

If the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honor to suggest that this Note with its Annex, and your reply to that effect, shall constitute an agreement between the two Governments in this matter which shall enter into force on the date of your reply and, notwithstanding Article XXVI of the Agreement, shall remain in force for the duration of the Agreement or until the Government of the United States no longer requires the Apollo Unified S-Band facility, whichever is the earlier date.

Accept, Sir, the renewed assurances of my highest consideration.

DAVID BRUCE.

(1) "Treaty Series No. 74 (1950)", Cmd. 8109.

(2) "Treaty Series No. 85 (1967)", Cmnd. 3421.

ANNEX

The Agreement shall, for the purpose of its application to the facility referred to in paragraph 2 of the Note, be subject to the following modifications:

1. Throughout the Agreement the terms "Range Area" and "Flight Testing Range" shall, except as provided by other provisions of this Annex, be replaced by, respectively, "Facility Area" and "Apollo Facility".

2. *Article I (I)* shall read:

"(1) 'Facility Area' means that part of the territory of the Bahama Islands (including the territorial waters thereof) upon which any Site is established."

3. *Article I (4)* shall read:

"(4) 'Apollo Facility' means the Apollo Unified S-Band facility to be established on the Island of Grand Bahama by the United States National Aeronautics and Space Administration and includes all matters related to the construction, maintenance and operation of the facility."

4. *Article II (I)* shall read:

"(1) Subject to the provisions of this Article, the Government of the United States of America shall have the right in the Facility Area:

- (a) to establish, maintain and use an Apollo Unified S-Band facility;
- (b) to establish, maintain and use an instrumentation and a communications system including radar, radio, land lines and submarine cables for operational purposes in connection with the Apollo Facility."

5. *Article II (6)* shall read:

"(6) The Contracting Governments shall, in consultation with the Government of the Bahama Islands, take all reasonable precautions against possible danger and damage resulting from operations under this Agreement in connection with the Apollo Facility."

6. *Article II (7)* shall read:

"(7) The rights granted to the Government of the United States of America by this Article shall not be exercised unreasonably or so as to interfere with or to prejudice the safety of navigation, aviation or communication *within the Bahama Islands (including the territorial waters thereof)* and the rights so granted shall be exercised in the spirit of the last paragraph of the Preamble."

7. *Article IV* shall read:

"(1) The Government of the United Kingdom, except as provided in paragraph (2) of this Article, shall, after consultation with the Government of the Bahama Islands, provide so long as this Agreement

remains in force such Sites for the operation of an Apollo Facility as may be agreed between the Contracting Governments to be necessary for that purpose.

(2) Such Crown Land as shall be agreed between the Government of the United Kingdom and the Government of the United States as necessary for the establishment of the Apollo Unified S-Band facility shall, after consultation with the Government of the Bahama Islands, be supplied free of charge by the Government of the United Kingdom. Any private land required by the Government of the United States for this facility shall not be provided by the Government of the United Kingdom but shall be subject to negotiation between the Government of the United States and the owner of the land required.

(3) When it is agreed between the Contracting Governments that any Site provided under this Article is no longer necessary for the purpose of the operation of the Apollo Unified S-Band facility the Government of the United Kingdom shall be entitled to cease to provide the Site for that purpose.

(4) Access to the Sites shall not be permitted to persons not officially connected with the operation of the Apollo Facility or the Bahama Long-Range Proving Ground except with the consent of the representatives designated by their respective Governments."

8. *Article V* shall not apply to NASA personnel or contractors or contractor personnel hired by NASA, who are in the Bahamas engaged in activities in the Apollo Facility.

9. *Article XI*. Paragraph (1) insert term "the representative designated by Her Britannic Majesty's Government" vice "the Senior Member of the British Armed Forces posted to the Bahamas Long-Range Proving Ground."

10. *Article XXI* shall read:

"The representatives designated by their respective Governments shall jointly decide the details of the execution of this Agreement in its application to specific situations, in the best interest of all concerned."

11. *Article XXIII* shall read:

"Except as provided in Articles IV (2), XVII and XXII the Sites shall be provided, and the rights of the Government of the United States of America under this Agreement shall be made available, free from all rent and charges to the Government of the United States of America."

No. 2

*The Secretary of State for Foreign Affairs to the Ambassador of the
United States of America*

*Foreign Office, S.W.1,
3 May, 1968*

Your Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note No. 7 of the 26th of April, which reads as follows:

[As in No. 1]

2. In reply I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that Your Excellency's Note and its Annex, a copy of which I enclose together with this reply shall constitute an agreement between the two Governments in this matter which shall enter into force on this day's date and remain in force for the duration of the Agreement between the Government of the United Kingdom and the Government of the United States for the Establishment in the Bahama Islands of a Long-Range Proving Ground for Guided Missiles, signed at Washington on the 21st of July, 1950, or until the Government of the United States no longer require the Apollo Unified S-Band facility, whichever is the earlier date.

I have the honour to be, with
the highest consideration,
Your Excellency's obedient Servant
(for the Secretary of State)
D. J. SWAN.

ANNEX

[As in No. 1]

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