

No. 5413

**UNITED STATES OF AMERICA
and
CANADA**

**Exchange of notes (with annex) constituting an agreement
relating to joint upper atmosphere research facilities at
Fort Churchill, Manitoba. Ottawa, 14 June 1960**

Official text: English.

Registered by the United States of America on 31 October 1960.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

**Échange de notes (avec annexe) constituant un accord rela-
tif à des installations de recherches communes sur la
haute atmosphère situées à Fort Churchill (Manitoba).
Ottawa, 14 juin 1960**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 31 octobre 1960.

No. 5413. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO JOINT UPPER ATMOSPHERE RESEARCH FACILITIES AT FORT CHURCHILL, MANITOBA. OTTAWA, 14 JUNE 1960

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The American Ambassador to the Canadian Secretary of State for External Affairs

No. 307

The Ambassador of the United States of America presents his compliments to the Secretary of State for External Affairs and has the honor to refer to discussions which have taken place between Canadian and United States authorities concerning the continued utilization of the existing upper atmosphere research facilities at Fort Churchill, Manitoba. These facilities were developed and initially used for research activities of the International Geophysical Year pursuant to the authorization contained in Note No. D-204, of August 29, 1955, from the Department of External Affairs.²

These discussions have revealed that the mutual interests of Canada and the United States would be advanced by the continued availability of the facilities for the conduct of certain joint upper atmosphere research activities and cold weather testing for field Army support equipment. It is, therefore, proposed that the use of these facilities be in accordance with the conditions set forth in the Annex³ to this Note. It is understood that any action to be taken by the United States Government in this regard shall be subject to the availability of funds.

If the provisions of the attached Annex meet with the approval of the Government of Canada, it is proposed that this Note and the reply to it constitute an agreement effective as of the date of their exchange.

Embassy of the United States of America

Ottawa, June 14, 1960

¹ Came into force on 14 June 1960 by the exchange of the said notes.

² Not printed by the Department of State of the United States of America.

³ See p. 368 of this volume.

ANNEX

STATEMENT OF CONDITIONS GOVERNING THE MAINTENANCE AND OPERATION OF UPPER ATMOSPHERE RESEARCH AND COLD WEATHER TESTING FACILITIES AT FORT CHURCHILL

(Hereinafter, unless the context otherwise requires, "Canada" means the Government of Canada, the "United States" means the Government of the United States of America, and "facilities" means the range and related installations for upper atmosphere research and cold weather testing at Fort Churchill, Manitoba.)

1. *Consultation*

(a) The appropriate authorities of the two Governments will consult closely in connection with the operation, use, maintenance and logistic support of the facilities and plans for and location of any additional facilities. Subsequent construction, major improvements to existing buildings, roads, ranges, etc., and the installation of major items of additional equipment shall be agreed between the appropriate authorities of the two Governments.

(b) An Operational Coordinating Group made up of representatives of appropriate departments and agencies of the United States and Canada will be established to facilitate consultation on matters covered by this Statement of Conditions.

2. *Operation*

(a) As the continued use of the facilities for scientific purposes and cold weather testing for field Army support equipment is in the mutual interest of Canada and the United States, all the activities to be undertaken under this agreement shall, as far as is practicable, be carried out on a joint basis. To this end each Government shall without charge and to the extent compatible with its needs, make available to the other such fixed improvements, equipment and services as the appropriate agencies shall agree are necessary to ensure the effective use of the facilities.

(b) Subject to subparagraph 2(a), the United States shall have those rights of operation necessary to ensure the effective use of the facilities and the right to stockpile equipment, material and supplies.

(c) In order to ensure the most effective use of the facilities, the program of tests shall be submitted in advance to the Canadian authorities for their approval.

(d) Any arrangements which might involve use of provincial or private property will be made only through appropriate Canadian Government agencies.

3. *Period of Operation*

(a) The facilities will be operated in accordance with the provisions of paragraph 2, and the United States may station the personnel provided for in paragraph 5, for a period of five years commencing from the date when this agreement enters into force, or such shorter period as may be agreed upon by the two Governments. After the expiration of the five-year period, in the event that either Government concludes that the facilities are no longer required and the other Government does not agree, the question of continuing need will be referred to the Permanent Joint Board on Defense. Following consideration