

**UNITED STATES OF AMERICA
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
(ON BEHALF OF THE FEDERATION
OF THE WEST INDIES)**

**Agreement (with annexes, Memorandum of Understanding,
agreed minute and exchange of notes) concerning
United States defence areas in the Federation of the
West Indies. Signed at Port of Spain, on 10 February
1961**

Official text: English.

Registered by the United States of America on 29 September 1961.

**ÉTATS-UNIS D'AMÉRIQUE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
(AU NOM DE LA FÉDÉRATION
DES INDES OCCIDENTALES)**

**Accord (avec annexes, Mémorandum d'accord, procès-verbal
approuvé et échange de notes) concernant les zones de
défense des États-Unis situées sur le territoire de la
Fédération des Indes occidentales. Signé à Port of
Spain, le 10 février 1961**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 29 septembre 1961.

No. 5879. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (ON BEHALF OF THE FEDERATION OF THE WEST INDIES) CONCERNING UNITED STATES DEFENCE AREAS IN THE FEDERATION OF THE WEST INDIES. SIGNED AT PORT OF SPAIN, ON 10 FEBRUARY 1961

The Government of the United States of America and the Government of the Federation of The West Indies,

Having participated, together with the Government of the United Kingdom of Great Britain and Northern Ireland, in a review of the Agreement relating to the Bases Leased to the United States of America signed at London on March 27, 1941,² and other Agreements relating to United States defence facilities in the territory of the Federation of The West Indies, between the Governments of the United Kingdom and of the United States of America ;

Taking account of the process of constitutional change which is designed to lead to the establishment at an early date of a sovereign Federation of The West Indies ;

Desiring to strengthen the firm friendship and understanding between them ;

Desiring also to contribute to the defence of the Western Hemisphere and to the maintenance of peace and security within the framework of the Charter of the United Nations ;

Believing that practical co-operation within the territory of the Federation of The West Indies as provided for in this Agreement will greatly assist in the attainment of these objectives ;

Have agreed as follows :

Article I

DEFINITIONS

In this Agreement, the expression :

"Contractor personnel" means employees of a United States contractor who are not ordinarily resident in the Federation and who are there solely for the purposes of this Agreement ;

¹ Came into force on 10 February 1961, upon signature, in accordance with article XXIV (1).

² League of Nations, *Treaty Series*, Vol. CCIV, p. 15.

“Defence area” means an area in respect of which the Government of the United States of America (hereinafter called “the United States Government”) is for the time being entitled to have and enjoy, in accordance with the terms and conditions of this Agreement, the rights, power and authority described in Article II ;

“Dependants” means the spouse and children under 21 of a person in relation to whom it is used ; and, if they are dependent upon him for their support, the parents and children over 21 of that person ;

“Federation” means the Federation of The West Indies ;

“Members of the United States Forces” means :

- (a) military members of the United States Forces on active duty ;
- (b) civilian personnel accompanying the United States Forces and in their employ who are not ordinarily resident in the Federation and who are there solely for the purposes of this Agreement ; and
- (c) dependants of the persons described in (a) and (b) above ;

“Military purposes” means :

- (a) the installation, construction, maintenance and use of military equipment and facilities, including facilities for the training, accommodation, hospitalisation, recreation, education and welfare of members of the United States Forces ; and
- (b) all other activities of the United States Government, United States contractors and authorised service organisations carried out for the purposes of this Agreement ;

“Territory” means any Territory of the Federation in which there exists an area which is, or is treated as, a defence area ; and “the Territory” means the Territory concerned ;

“United States contractor” means any person, body or corporation ordinarily resident in the United States of America that is in the Territory for the purposes of this Agreement by virtue of a contract with the United States Government, and includes a subcontractor ;

“United States Forces” means the land, sea and air armed services of the United States, including the Coast Guard.

Article II

GENERAL DESCRIPTION OF RIGHTS

The United States Government shall have and enjoy, in accordance with the terms and conditions of this Agreement, the rights, power and authority which are necessary for the development, use, operation and protection for military purposes of

the defence areas which are described in the Annexes¹ hereto. The United States Government shall have and enjoy such rights of access, rights of way and easements as may be necessary for these purposes.

Article III

FLAGS

The flags of the United States, the Federation and the Territory shall fly side by side over each defence area.

Article IV

DEFENCE AREAS AND PROPERTY

(1) The defence areas, rights of access, rights of way and easements shall be provided free of rent and all other charges.

(2) Except with the prior approval of the Government of the Federation (hereinafter called "the Federal Government") and the Government of the Territory, the United States Government shall not transfer or assign any rights conferred by or under this Agreement, nor shall the United States Government permit the defence areas to be used in any way whatsoever by any other person, body or Government.

(3) The United States Government may at any time notify the Federal Government and the Government of the Territory that it has vacated and no longer requires a defence area or a specified portion thereof and thereupon such defence area or such portion thereof shall, for the purposes of this Agreement, cease to be, or to be a portion of, a defence area, as the case may be.

(4) Except for the purposes of this Agreement or with the concurrence of the Government of the Territory, the United States Government shall not remove or demolish or otherwise dispose of any permanent construction or installation in a defence area. No compensation shall be payable to the United States Government in respect of any such construction or installation. The United States Government shall be entitled to remove free of any restrictions any other construction or installation and other property owned by it from the area while it is a defence area or within a reasonable time thereafter. No compensation shall be payable to the United States Government in respect of any construction or installation or other property not so removed.

(5) The United States Government shall be under no obligation to restore the defence areas to the condition in which they were at any time prior to their ceasing to be defence areas.

¹ See p. 98 to 116 of this volume.

(6) All minerals (including oil), antiquities and treasure trove in the defence areas and all rights relating thereto are reserved to the Government of the Territory, but any exploitation thereof shall be with the concurrence of the United States Government.

Article V

ENTRY AND DEPARTURE OF MEMBERS OF THE UNITED STATES FORCES

(1) Members of the United States Forces who may be brought into the Federation for the purposes of this Agreement shall be exempt from passport and visa requirements, immigration inspection and any registration or control as aliens. Such persons shall be furnished with appropriate identification cards, specimens of which shall be supplied to the Federal Government and to the Government of the Territory.

(2) No military member of the United States Forces shall be discharged in the Federation without the consent of the Government of the Territory. The United States Government shall inform the Government of the Territory of any change in the status of any other member of the United States Forces and shall be responsible for taking such steps as are open to it for his removal from the Territory if the Government of the latter should so request.

(3) The United States Government shall take steps to ensure the correct behaviour of all members of the United States Forces and shall, at the request of the Government of the Territory, remove as soon as possible any member of the United States Forces whose conduct renders his presence in that Territory undesirable to its Government.

Article VI

LOCAL PURCHASES AND EMPLOYMENT OF LOCAL LABOUR

(1) The United States Government and United States contractors may purchase locally goods and services required for the purposes of this Agreement. Subject to United States policies or regulations, preference shall be given to the procurement of goods in, and to the employment of contractors and workers from, the Territory.

(2) In the fixing of terms of employment for such contractors and workers, particularly in respect of wages and conditions of work, supplementary payments, insurance and conditions for the protection of workers, clubs and recreational facilities, full regard shall be given to employment practices generally obtaining for similar employment in the Territory, and in no case shall the terms of employment for such workers be inferior to those laid down by any legislation in force in the Territory or any international convention the provisions of which have been adopted by the United States Government and which apply to the Territory.