

No. 7788

**UNITED STATES OF AMERICA
and
TRINIDAD AND TOBAGO**

**Exchange of notes constituting an agreement relating to
the release of drydock facilities at the United States
Naval Station, Trinidad. Port of Spain, 2 and 5 De-
cember 1964**

Official text: English.

Registered by the United States of America on 21 May 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
TRINITÉ ET TOBAGO**

**Échange de notes constituant un accord relatif à la cession
d'installations de radoub de la station navale des
États-Unis à la Trinité. Port of Spain, 2 et 5 décembre
1964**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 21 mai 1965.

No. 7788. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND TRINIDAD AND TOBAGO RELATING TO THE RELEASE OF DRYDOCK FACILITIES AT THE UNITED STATES NAVAL STATION, TRINIDAD. PORT OF SPAIN, 2 AND 5 DECEMBER 1964

I

The American Chargé d'Affaires ad interim to the Prime Minister of Trinidad and Tobago

Port of Spain, December 2, 1964

Excellency :

I have the honor to refer to the negotiations which have taken place between representatives of the Government of the United States of America and representatives of the Government of Trinidad and Tobago regarding the release by the Government of the United States of America of certain drydock facilities at the United States Naval Station, Trinidad, to the Government of Trinidad and Tobago only for the establishment of a commercial ship repairing, ship building and engineering enterprise (including steel fabrication) and to submit for your consideration and acceptance understandings with regard to conditions one through five pertaining to the release contained in Ambassador Robert G. Miner's letter of 11 August 1964 and your Government's reply of 8 October 1964,² as follows :

I. That in the event of mobilization the Government of Trinidad and Tobago will transfer all the drydock facilities to the United States Government upon request. Accordingly, the United States Government will make appropriate compensation to the owners.

As to this condition it is understood that :

A. The word "mobilization" refers to action by the United States Government and means :

1. The act of preparing for war or other emergencies through assembling and organizing national resources.
2. The process by which the United States Armed Forces or part of them are brought to a state of readiness for war or other national emergency. This includes assembling and organizing personnel, supplies, and material for active military service.

¹ Came into force on 5 December 1964 by the exchange of the said notes.

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

B. The term "drydock facilities" means those lands and facilities at the United States Naval Station, Trinidad, which are designated by a determination under condition III B of this Agreement, except as provided in condition V A below.

C. The words "appropriate compensation to owners" will have application as follows :

Subject to availability of appropriated funds, the United States Government will through the Government of Trinidad and Tobago compensate the owner-operator of the enterprise only for value of additions, betterments and/or new facilities placed on the site by said owner-operator and specifically related to a drydock and ship repairing enterprise; said value to be determined on the basis of the reproduction cost of the additions, betterments and/or new facilities, less reasonable depreciation accumulated to the date of transfer to the United States Government, with due regard to the value of the drydock and ship repairing enterprise as a going concern. In default of agreement the question of quantum shall be referred to arbitration in accordance with the principles of international law.

II. That suitable security arrangements be established prior to occupancy.

As to this condition it is understood that :

A. The Government of Trinidad and Tobago recognizes the need for military security integrity and shall require the operator of the enterprise to comply with Naval Station security and traffic control regulations as currently existing and as may be modified from time to time by the Commanding Officer of the United States Naval Station, Trinidad.

B. Specific details shall be the subject of separate arrangements to be drawn up between the operator of the enterprise and the Commanding Officer of the U.S. Naval Station, Trinidad.

III. That the Government of Trinidad and Tobago accepts the obligation to provide necessary maintenance on the facilities utilized.

As to this condition it is understood that :

A. The Government of Trinidad and Tobago accepts an obligation to protect, preserve and repair the facilities and improvements of the United States Government now on the site and to be made available for the enterprise and to maintain said facilities and improvements in at least as good condition as received, reasonable wear and tear, conditions over which the Government of Trinidad and Tobago has no control, including *force majeure*, excepted.

B. As soon as practicable after formalization of this agreement, a written determination shall be made by U.S. Navy Authorities, in consultation with officials of the Government of Trinidad and Tobago and of the owner-operator of the proposed enterprise, stipulating the existing U.S. Navy facilities that will be made part of the drydock facilities.

The facilities so stipulated shall be described in a map attached to the determination. The written determination shall identify those facilities which would be reacquired by the United States Government in the event of mobilization and, therefore, are to be