

No. 8222

UNITED STATES OF AMERICA
and
CANADA

Exchange of notes (with annex) constituting an agreement
relating to the continued use of upper atmosphere
research facilities at Fort Churchill, Manitoba. Ottawa,
11 June 1965

Official text: English.

Registered by the United States of America on 9 June 1966.

ÉTATS-UNIS D'AMÉRIQUE
et
CANADA

Échange de notes (avec annexe) constituant un accord
relatif au maintien en service des installations de
recherches sur la haute atmosphère à Fort Churchill
(Manitoba). Ottawa, 11 juin 1965

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 9 juin 1966.

No. 8222. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO THE CONTINUED USE OF UPPER ATMOSPHERE RESEARCH FACILITIES AT FORT CHURCHILL, MANITOBA. OTTAWA, 11 JUNE 1965

I

The Canadian Secretary of State for External Affairs to the American Chargé d'Affaires ad interim

DEPARTMENT OF EXTERNAL AFFAIRS
CANADA

No. 60

Ottawa, June 11, 1965

Sir :

I have the honour to refer to discussions which have taken place between representatives of the Governments of Canada and the United States of America concerning new arrangements whereby the Churchill Research Range might continue in operation for a further period following the expiration, in June 1965, of the Agreement of June 14, 1960² Concerning the Utilization of the Existing Upper Atmosphere Research Facilities at Fort Churchill, Manitoba.

These discussions revealed that the mutual interests of Canada and the United States would be advanced by the continuing availability of the Range. I therefore have the honour to propose the conclusion of an Agreement between our two Governments to provide for the operation, maintenance and support and further joint use of the Churchill Research Range in accordance with the terms and conditions set forth in the Annex of this Note. This Agreement would supersede the Agreement signed at Ottawa, on June 14, 1960, as extended,³ which will expire on December 31, 1965.

If this proposal meets with the approval of the Government of the United States, I also have the honour to propose that this Note, together with the

¹ Came into force on 1 January 1966, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, Vol. 377, p. 365.

³ United Nations, *Treaty Series*, Vol. 546, p. 376.

Annex hereto, and your Note in reply to that effect, shall constitute an Agreement on this matter between our two Governments, which shall enter into force on January 1, 1966 and remain in effect until June 30, 1970 and for such additional periods as may be mutually agreed. I further propose that either Government may, after consulting with the other Government, and upon the giving of suitable advance notice in writing of its intention, terminate the Agreement at any time. Each Government agrees that in determining the amount of such advance notice which it gives to the other Government, it shall be guided by consideration of the time required by the other Government to make alternative arrangements for conducting its rocket research programme.

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

Paul MARTIN
Secretary of State for External Affairs

The Honourable Joseph W. Scott
Chargé d'Affaires a.i.
Embassy of the United States of America
Ottawa

ANNEX

TERMS AND CONDITIONS GOVERNING THE USE, OPERATION, MAINTENANCE AND SUPPORT OF THE CHURCHILL RESEARCH RANGE AT FORT CHURCHILL, MANITOBA

(Hereinafter, unless the context otherwise requires, "Canada" means the Government of Canada, "United States" means the Government of the United States of America, and "Range" means the Churchill Research Range and related installations).

1. CANADIAN GOVERNMENT RESPONSIBILITY

As of January 1, 1966, the Range shall be operated and maintained by Canada for the joint use of Canada and the United States.

2. CO-OPERATING AGENCIES

Co-operating Agencies shall be designated by each Government to carry out, in consultation, the provisions of this Agreement. For Canada the Co-operating Agency shall be the National Research Council of Canada (hereinafter referred to as NRC). For the United States the Co-operating Agency shall be the National Aeronautics and Space Administration (hereinafter referred to as NASA). Either Govern-

ment may change its Co-operating Agency by means of notice in writing to the other Government.

3. JOINT RANGE POLICY COMMITTEE

A Joint Range Policy Committee (JRPC) shall be established to consist of representatives designated by the Co-operating Agencies. The respective senior representatives of the Co-operating Agencies shall be co-chairmen of the Committee with each presiding at alternate meetings. Decisions of the Committee shall be made by the two co-chairmen after full discussion by all members of the Committee. The Co-operating Agencies in consultation shall have the power to fix the size of this Committee, which shall consist initially of eight representatives, including four persons from each country, to form sub-committees and to determine their terms of reference. The powers and functions of the Committee shall be as follows :

(a) To determine, in conformity with the scientific programs of the respective Co-operating Agencies, the level of activities to be conducted in terms of the number of launchings at and utilization of the Range.

(b) To determine annually the budget for the operation and maintenance of the Range.

(c) To determine, as necessary, adjustments of the respective Governments' financial contributions to the operating budget on an equitable basis.

(d) To determine use of the Range by a third country or its nationals sponsored by a Co-operating Agency, taking into consideration the views of both Governments and the availability of the Range. Any final decision as to whether a particular third country or its nationals may use or have access to the Range shall rest with Canada. However, the United States reserves the right to withhold approval of the use of United States equipment, including the equipment, materials, supplies, goods and other property specified in paragraph 4 (b) herein below, by or on behalf of any such third country.

(e) To determine whether and under what conditions studies other than rocket-borne experiments, such as those referred to in paragraph 4 (f) below, may be carried out at the Range.

(f) To consider and decide on : (i) developments involving expansion of the Range or requiring acquisition of major items of equipment ; (ii) replacements of major items of equipment and facilities ; (iii) modification of any United States equipment or property made available for operation and maintenance of the Range in accordance with provisions of paragraph 4 below ; and (iv) allocation of the financial charges for the foregoing.

(g) By agreement of the co-chairmen, to consider and decide on any other matters relating to the operation of the Range.

4. OPERATION, MAINTENANCE AND USE

(a) The Range shall be operated and maintained by Canada through its Co-operating Agency for the joint use of the United States and Canada to conduct