

*Memorandum*G-AIA/83
16561
DATE: 30 June 1978

SUBJECT: Turks and Caicos Base Negotiations

FROM: G. P. Yoest

TO: File

1. The third round of negotiations regarding the subject matter was held 27-28 June in Washington. The U.S. team was headed by Mr. Geo. Churchill of DOS PM/ISO. The undersigned represented the U.S. Coast Guard.
2. The UK/Turks & Caicos team opened discussions by requesting a two million dollar/yr. payment by the U.S. After explaining U.S. inability to provide this amount, Mr. Churchill suggested that we discuss other outstanding matters prior to further rent proposals. The ministers from the Turks & Caicos continued their tactic of introducing and re-introducing subjects and issues which were thought to have been previously settled or which were unrelated to the discussions. Those matters of interest to the Coast Guard are briefly summarized below:

Road to LORAN Station - The T&C team twice brought up the issue of black topping the main road to the South Caicos LORAN-A Station. The Coast Guard representative reiterated the fact that we had just improved the road at much expense and had no intention of paving it.

Rent for LORAN Station - The T&C team indicated their acceptance of the concept of the station acreage being given rent free because it was providing an international safety service.

Road Survey on Northwest Section of LORAN Station Site - T&C had previously requested that they be allowed to survey the Northwest section of the LORAN site to determine the feasibility of constructing a road to several smaller islands to the north. The Coast Guard was prepared to allow such a survey. During this round of negotiation T&C stated that they wanted agreement on reversion of the yet unsurveyed road site. After consultations with the Seventh District (CDR Wilkinson) the following offer was made and accepted. The T&C survey could be conducted at any time and when completed the Coast Guard would be happy to review the specifics and discuss the subject of reversion.

Coast Guard Assistance in Patrolling T&C Waters - T&C ministers requested that Coast Guard assigned to the LORAN Station also be used to patrol T&C territorial waters. Coast Guard explained nature and training of individuals operating station and restrictions on use of U.S. personnel for such purposes. T&C then suggested that USCG provide a 50-60 ft. patrol boat for use by T&C. Coast Guard indicated inability to provide for such a request and suggested that such matters did not appear to be related to these base negotiations.

8 January 1980

Base Facilities Agreement; South Caicos LORAN Station

Chief, International Affairs Division

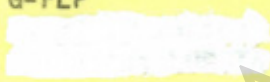
Distribution

1. After several years of negotiations, the enclosed agreement was finalized on 12 December 1979 between the US and the UK concerning all US defense areas in the Turks and Caicos Islands. The agreement includes the South Caicos LORAN A Transmitting Station. You will note that Article IV (1) of the agreement provides that areas shall be provided free of rent unless otherwise stated in a lease.
2. On 14 September 1978 the UK was officially notified of our 31 December 1980 date for closure of the South Caicos LORAN Station. They were additionally told that we would require three months after that date to remove personnel and equipment.

R. A. BILLER

Encl: (1) US/UK Agreement and Related Documents

DIST:
G-MAN
G-EEE
G-FLP



Handwritten notations: a checkmark, the number 7, and the date 12/1/80.

5710/2.a *uk*
9 January 1980

From: Commandant
To: Commander, Seventh Coast Guard District (oan)

Subj: Base Facilities Agreement; South Caicos LORAN Station.

1. After several years of negotiations, the enclosed agreement was finalized on 12 December 1979 between the US and the UK concerning all US defense areas in the Turks and Caicos Islands. The agreement includes the South Caicos LORAN A Transmitting Station. You will note that Article IV (1) of the agreement provides that areas shall be provided free of rent unless otherwise stated in a lease.

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R. A. BILLER
By direction

Encl: (1) US/UK Agreement and Related Documents

Copy to:
CCGD7 (e)
SO. Caicos LORSTA
CCGD7 (dpl)

Yeast

AGREEMENT BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE GOVERNMENT OF THE
UNITED STATES OF AMERICA CONCERNING
UNITED STATES DEFENCE AREAS IN THE
TURKS AND CAICOS ISLANDS

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America.

Having considered, together with the Government of the Turks and Caicos Islands, the Agreement between the Government of the Federation of the West Indies and the Government of the United States of America concerning United States Defence Areas in the Federation of the West Indies signed at Port of Spain on 10 February, 1961, the 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 dated 11 June 1971 concerning the use by Civil Aircraft of the Airfield at the Auxiliary Air Base on Grand Turk Island and the Exchange of Notes between the said Government dated 15 June 1972 applying the Agreement of 10 February 1961 to additional United States Defence Areas in the Turks and Caicos Islands:

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 cooperation within the territory of the Turks and Caicos Islands 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 Turks and Caicos Islands and who are there solely for the purposes of this Agreement;

"Defense 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;

"Dependents" 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 the person;

"the Islands" means the Turks and Caicos Islands;

"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 Islands and who are there solely for the purposes of this Agreement; and
- (c) dependents 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 organizations carried out for the purposes of this Agreement;

"United States contractor" means any person, body or corporation ordinarily resident in the United States of America that is in the Islands 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 Annex 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.

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ARTICLE III

Flags

The flags of the United States and the Islands 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

(2) Except with the prior approval of the Government of the United Kingdom, of Great Britain and Northern Ireland (hereinafter called "the Government of the United Kingdom") and the Government of the Islands, 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 Government of the United Kingdom and the Government of the Islands 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 Islands, 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.

(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 Islands, 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 Islands 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 Government of the Islands.

(2) No military member of the United States Forces shall be discharged in the Islands without the consent of the Government of the Islands. The United States Government shall inform the Government of the Islands 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 Islands 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 Islands, remove as soon as possible any member of the United States Forces whose conduct renders his presence in the Islands undesirable to the Government of the Islands.

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 Islands.

(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 Islands, 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 Islands, or any international convention the provisions of which have been adopted by the United States Government and which apply to the Islands.

ARTICLE VII

Public Services and Facilities

(1) The United States Forces, United States contractors and the members of the United States Forces and contractor personnel may use the public services and facilities belonging to or controlled or regulated by the Government of the United Kingdom or the Government of the Islands. The terms of use, including charges, shall be no less favourable than those available to other users unless otherwise agreed.

(2) There shall be no toll charges, including light and harbour dues, on United States Government vessels using port facilities in the Islands, nor shall such vessels be subject to compulsory pilotage.

(3) Lights and other aids to navigation of vessels and aircraft placed or established in the defence areas and territorial waters adjacent thereto or in the vicinity thereof by the United States Government shall conform to the system in use in the Islands. The position and characteristics of any such lights or other aids and any alterations thereof shall be determined in consultation with the appropriate authority of the Islands.

ARTICLE VIII

Fiscal Exemptions

(1) No taxes or duties of customs shall be imposed upon the importation or exportation of:

(a) materials and equipment imported by or for the use of the United States Forces and United States contractors for the purposes of this Agreement and, if required, certified as such on behalf of the United States Government;

(b) the personal effects and household goods, including privately owned automobiles, imported by members of the United States Forces, United States contractors and contractor personnel on first arrival in the Islands or within six months thereafter and related thereto.

(2) No excise, consumption or other duty shall be levied or charged on any goods or materials purchased locally by or for the use of the United States Government for the purposes of this Agreement.

(3) Where the legal incidence of any form of taxation in the Islands depends on residence or domicile, periods during which members of the United States Forces, United States contractors or contractor personnel are in the Islands solely by reason of this Agreement shall not be considered as periods of residence (or as creating a change of residence or domicile) for the purposes of such taxation. Members of the United States Forces, United States contractors and contractor personnel shall be exempt from taxation in the Islands on the salary and emoluments received by them as such, on any tangible movable property within a defence area and on the ownership of such property outside a defence area which is in the Islands solely by reason of this Agreement.

(4) Nothing in this Article shall prevent taxation of members of the United States Forces, United States contractors or contractor personnel with respect to any profitable enterprise other than their employment as such in which they may engage in the Islands, and except as regards salary and emoluments and the tangible movable property referred to in the preceding paragraph, nothing in this Article shall prevent taxation to which, even if regarded as resident or domiciled outside the Islands, such persons are liable under the law of the Islands.

(5) United States Government vehicles shall be exempted from all fees, taxes and other charges. Each vehicle shall carry in addition to its registration number a distinct nationality mark in front and rear. A list of all such vehicles and their registration numbers shall be furnished to the Government of the Islands. Privately owned automobiles imported by members of the United States Forces which qualify for exemption under paragraph (1)(b) of this Article shall also be exempt from Motor Vehicles Tax, or any other tax, duty or charge of a similar nature.

(6) The authorities of the United States Forces and of the Islands shall collaborate in measures to be taken to prevent abuse of the privileges granted under this Article.

ARTICLE IX

Criminal Jurisdiction

(1) Subject to the provisions of this Article,

(a) the military authorities of the United States shall have the right to exercise within the Islands all criminal and disciplinary jurisdiction conferred on them by United States law over all persons subject to the military law of the United States;

(b) the authorities of the Islands shall have jurisdiction over members of the United States Forces with respect to offences committed within the Islands and punishable by the law in force there.

(2) (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offences, including offences relating to security, punishable by the law of the United States but not by the law in force in the Islands.

(b) The authorities of the Islands shall have the right to exercise exclusive jurisdiction over members of the United States Forces with respect to offences, including offences relating to security, punishable by the law in force in the Islands but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph (3) of this Article, an offence relating to security shall include

(i) treason;

(ii) sabotage, espionage or violation of any law relating to official secrets or secrets relating to national defence.

(3) In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over a member of the United States Forces in relation to

(i) offences solely against the property or security of the United States or offences solely against the person or property of another member of the United States Forces;

(ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence the authorities of the Islands shall have the primary right to exercise jurisdiction.

(c) If the authorities having the primary right decide not to exercise jurisdiction, they shall notify the other authorities as soon as practicable. The United States authorities shall give sympathetic consideration to a request from the authorities of the Islands for a waiver of their primary right in cases where the authorities of the Islands consider such waiver to be of particular importance. The authorities of the Islands will waive, upon request, their primary right to exercise jurisdiction under this Article, except where they in their discretion determine and notify the United States authorities that it is of particular importance that such jurisdiction be not waived.

(4) The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise

jurisdiction over persons who belong to, or are ordinarily resident in, the Islands unless they are military members of the United States Forces.

(5) (a) To the extent authorised by law, the authorities of the Islands and the military authorities of the United States shall assist each other in the service of process and in the arrest of members of the United States Forces in the Islands and in handing them over to the authorities which are to exercise jurisdiction in accordance with the provisions of this Article.

(b) The authorities of the Islands shall notify promptly the military authorities of the United States of the arrest of any member of the United States Forces.

(c) Unless otherwise agreed, the custody of an accused member of the United States Forces over whom the authorities of the Islands are to exercise jurisdiction shall, if he is in the hands of the United States authorities, remain with the United States authorities until he is charged. In cases where the United States authorities may have the responsibility for custody pending the completion of judicial proceedings, the United States authorities shall, upon request, make such a person immediately available to the authorities of the Islands for purposes of investigation and trial and shall give full consideration to any special views of such authorities as to the way in which custody should be maintained.

(6) (a) To the extent authorised by law, the authorities of the Islands and of the United States shall assist each other in the carrying out of all necessary investigations into offences, in providing for the attendance of witnesses and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authorities delivering them.

(b) The authorities of the Islands and of the United States shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

(7) A death sentence shall not be carried out in the Islands by the military authorities of the United States if the legislation of the Islands does not provide for such punishment in a similar case.

(8) Where an accused has been tried in accordance with the provisions of this Article and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the Islands. Nothing in this paragraph shall, however, prevent the military authorities of the United States from trying a military member of the United States Forces for any

violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of the Islands.

(9) Whenever a member of the United States Forces is prosecuted by the authorities of the Islands he shall be entitled:

- (a) to a prompt and speedy trial;
- (b) to be informed in advance of trial of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour if they are within the jurisdiction of the Islands;
- (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the Islands;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the United States and, when the rules of the court permit, to have such a representative present at his trial which shall be public except when the court decrees otherwise in accordance with the law in force in the Islands.

(10) Where a member of the United States Forces is tried by the military authorities of the United States for an offence committed outside a defence area or involving a person, or the property of a person, other than a member of the United States Forces, the aggrieved party and representatives of the Islands and of the aggrieved party may attend the trial proceedings except where this would be inconsistent with the rules of the court.

(11) A certificate of the appropriate United States commanding officer that an offence arose out of an act or omission done in the performance of official duty shall be conclusive, but the commanding officer shall give consideration to any representation made by the Government of the Islands.

(12) Regularly constituted military units or formations of the United States Forces shall have the right to police the defence areas. The military police of the United States Forces may take all appropriate measures to ensure the maintenance of order and security within such defence areas.

(13) In this Article, a reference to the authorities of the Islands includes, where appropriate, the authorities of the Government of the United Kingdom.

ARTICLE X

Civil Claims

(1) The United States Government agrees to pay just and reasonable compensation in settlement of civil claims (other than contractual claims) arising out of acts or omissions of members of the United States Forces done in the performance of official duty or out of any other act, omission or occurrence for which the United States Forces are legally responsible.

(2) All such claims shall be processed and settled in accordance with the applicable provisions of United States law.

ARTICLE XI

Surveys

The United States Government may with the concurrence of the Government of the United Kingdom and the Government of the Islands make topographic, hydrographic and other similar surveys (which may include the taking of aerial photographs) in the Islands, including the territorial waters thereof. When any survey is to be made outside the defence areas, the United States Government shall notify the Government of the United Kingdom and the Government of the Islands, which may designate an official representative to be present. Copies of the data resulting from such surveys shall be furnished without cost to the Government of the United Kingdom and to the Government of the Islands.

ARTICLE XII

Frequencies

The use of radio frequencies, powers and band widths for communication, detection, and research and test operations for the purposes of this Agreement shall be subject to the concurrence of the Government of the United Kingdom and the Government of the Islands.

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ARTICLE XIII

Post Offices

The United States Government may establish and operate United States post offices in the defence areas for domestic use between such post offices, and between such post offices and other United States post offices. These post offices shall be for the exclusive use of the United

States Government and members of the United States Forces and of United States contractors, contractor personnel, United States diplomatic or consular representatives in the Islands and their dependants.

ARTICLE XIV

Commissariat

ARTICLE XV

Health and Sanitation

The appropriate authorities shall collaborate in the enforcement in the defence areas of the health and quarantine laws in force in the Islands. These authorities shall also collaborate in making arrangements for the improvement of sanitation and the protection of health in areas outside, but in the vicinity of, the defence areas.

ARTICLE XVI

Use of Currency

(1) The United States Government shall collaborate with the Government of the United Kingdom and the Government of the Islands in ensuring compliance with any foreign exchange law in force in the Islands. The United States Forces and United States contractors may possess and use United States currency for official purposes, including the payment of personnel, and may purchase and use local currency.

(2) Members of the United States Forces and contractor personnel may use for internal transactions and export United States currency received from the United States Forces or United States contractors.

(3) The appropriate authorities shall collaborate in the establishment of facilities to permit the purchase of local currency with United States currency and to prevent unauthorised transactions in either currency.

ARTICLE XVII

Driving Permits

(1) The Government of the Islands shall honour without driving test or fee driving permits issued by the United States or a subdivision thereof to members of the United States Forces and to United States contractors, contractor personnel and their dependants, or issue its own driving permits without test or fee to such persons who hold such United States permits. Members of the United States Forces and United States contractors, contractor personnel and their dependants who do not hold driving permits issued by the United States or a subdivision thereof shall be required to obtain licences in accordance with the law in force in the Islands.

(2) The United States authorities in collaboration with the authorities of the Islands shall issue appropriate instructions to members of the United States Forces and to United States contractors, contractor personnel and their dependants, fully informing them of the traffic laws in force in the Islands and requiring strict compliance therewith.

Article XVIII

General Obligations

(1) Save as is expressly provided in this Agreement, nothing herein shall be so construed as to impair the authority of the Government of United Kingdom or of the Government of the Islands with regard to the affairs of the Government of the United Kingdom or the Islands.

(2) Members of the United States Forces, United States contractors and contractor personnel in the Islands for the purposes of this Agreement shall respect the laws of the Islands and refrain from any activity inconsistent with the spirit of this Agreement. Such persons shall not take part directly or indirectly in the political affairs of the Islands.

(3) In the exercise of the privileges and facilities granted under this Agreement, the United States Government shall take every practicable measure to ensure the safety and safeguard the interests of the peoples of the Islands.

Article XIX

Local Participation

The United States Government shall permit, where agreed to be practicable and on such conditions as may be agreed, the use of installations and facilities in the defence areas for the apprenticeship and industrial training of persons from the Islands, and also for training programmes designed to permit proper participation by such persons in the

performance of functions connected with defence and security. On such conditions as may be agreed, welfare communications facilities in the defence areas may be used for educational, cultural and social programmes of general interest to the people of the Islands.

Article XX

Competent Authorities

Nothing in this Agreement shall impair the freedom of movement within the Islands of its competent authorities. The designation of competent authorities in respect of a defence area shall be with the concurrence of the United States authorities. Access may not be granted to secure areas within the defence areas.

Article XXI

Consultation

There shall be established a Joint Consultative Board, consisting of representatives of the United States Government and the Government of the Islands, which shall keep the implementation of this Agreement under review, and where appropriate, advise and make recommendations to the two Governments on any matters arising under this agreement.

Article XXII

Special Provisions

The provisions contained in the Annex hereto shall have effect in respect of the defence areas and shall be read and construed as part of this Agreement.

Article XXIII

Supersession

Upon the coming into force of this Agreement, the provisions of the following agreements (including any amendments, modifications and extensions thereof)--

-Agreement of February 10, 1961 concerning United States Defence Areas in the Federation of the West Indies,

-Agreement of June 15, 1972 concerning Defense Areas in the West Indies, facilities on North and South Caicos Islands, amending the Agreement of February 10, 1961

and of any other Agreement between the Government of the United Kingdom and the United States Government concerning the grant of rights to the

United States Government with respect to defence facilities in the Islands shall, save as expressly provided in this Agreement or the Annex attached thereto, cease to have any force or effect in so far as they relate to the Islands.

Article XXIV

Duration

"(1) This Agreement shall come into force on 1978, and shall remain in force through December 31, 1988.

(2) As early as practicable in the year 1988, the United States Government and the Government of the United Kingdom, acting with and on behalf of the Government of the Islands, will consult concerning the renewal or extension of this Agreement beyond December 31, 1988. If acceptable to both Governments they shall enter into negotiations to renew or extend the Agreement for a mutually acceptable period of time."

FOR THE GOVERNMENT OF THE UNITED KINGDOM

Date

FOR THE GOVERNMENT OF THE UNITED STATES

Date

ANNEX

Defence Areas, Rights of Way and Easements

(1) The attached map No. 1 shows, but not definitively, the defence areas, certain rights of access, rights of way and easements. The defence areas shall as soon as may be practicable be definitively described by agreement between the United States Government, the Government of the United Kingdom and the Government of the Islands.

Nature of Rights

(2) (a) The rights vested in the United States Government by virtue of this Agreement include the right to maintain and operate within the defence areas an electronic research and test station and an oceanographic research station, including their associated instrumentation, detection and communications systems. The United States Government shall also have the right to launch, fly and land test vehicles.

(b) No wireless station, submarine cable, land line or other installation shall be established by the United States Government outside the defence areas except at such place or places as may be agreed. Any submarine cable or wireless station shall be sited and operated in such a way that it will not cause interference with established civil communications.

(c) When submarine cables are no longer required for the purpose of this Agreement, their disposal or further use shall be subject to consultation between the parties and, in the absence of agreement, they shall be removed by and at the expense of the United States Government.

(d) The United States Government shall have such use of the foreshore and of the internal and territorial waters adjacent to the defence areas as shall be mutually agreed. Any such agreed use shall not interfere with navigation but may entail the restriction of anchoring, fishing and landing in agreed areas.

Civil Air Operations

(3)

Water Supply

(4) The United States Government shall, within the capacity of the facilities in place on the date of signature of the Agreement, make available to meet the needs of the civil population water which is in excess of United States needs.

Pier

(5) The Government of the Turks and Caicos Islands or any authority or person authorized by that Government may have access to and use the pier in the defence area, provided that such use does not interfere with the use of the pier for the purposes of this Agreement by the United States Government.

Temporary Anchorage

(6) Any vessel or aircraft compelled by weather or some other exigency of prudent navigation may seek safe temporary anchorage in the sea areas which are adjacent to or are included in a defence area.

Roads

(7) The United States Government shall consult from time to time with the Government of the Islands for the purpose of agreeing upon the extent of any damage to roads which may have been caused by United States operations, and the repairs which are necessary. The United States Government shall either make those repairs or reimburse their cost to the Government of the Islands.

Use of Cable Circuits

(8) The United States Government shall lease to the Government of the Islands on terms to be agreed between them up to voice grade circuits in each of the cables of the United States Government which passes through the Islands.

MEMORANDUM OF UNDERSTANDING

1. The Government of the United Kingdom and the United States Government have reached the following understandings with regard to the Agreement signed this day concerning United States Defence Areas in the Turks and Caicos Islands:

(a) With respect to paragraph (1) of Article VII, it is understood that the words "other users" mean those persons who, where preferential rates apply to certain users, are charged at the lowest rate.

(b) With respect to paragraph (3) of Article VIII, it is understood that United States contractors will be exempt from taxation in the Islands on any income received under a contract with the United States Government for the purposes of the Agreement and will also be exempt from any tax in the Islands in the nature of a licence with respect to any work performed for the United States Government for the purposes of the Agreement.

(c) (i) With respect to Article XII, it is understood that the United States Government may continue to use all those radio frequencies, powers and band widths for communications, detection, research and test operations that it is entitled to use in the Turks and Caicos Islands at the date of signature of the Agreement.

(c) (ii) It is also understood that the United States Government will continue to be responsible for notifying to the International Frequency Registration Board (IFRB), as appropriate, those frequencies, powers and band widths used in connection with United States operations under the Agreement. Prior to notifying the IFRB of any change in registered frequencies, the United States Government will reach agreement with the Government of the United Kingdom regarding the proposed change.

(c) (iii) The Government of the United Kingdom and the United States Government will inform the IFRB that this arrangement which has been entered into between them provides for the necessary co-ordination regarding frequencies used by the United States Government and authorises the United States Government to obtain international registration of agreed frequencies.

(d) (i) With respect to paragraph (2)(a) of the Annex, it is understood that the electronic test and research station which the United States Government will operate pursuant to this provision will be used in connexion with United States test and research programmes in the fields of electronic surveillance and communications. Research and test operations at the station will include detection, tracking, telemetry, data read-out, reception, transmission and communications related to both missile and space programmes.

(ii) It is also understood that, while the general nature and purposes of the station will remain as described above, technical changes in equipment and operations will be made from time to time in order that the station may carry out its role in the surveillance and communications programmes.

2. It is also the understanding of the two Governments, that the local administrative agreements or other arrangement in effect on the date of signature of the Agreement, including existing arrangement on matters which under paragraph (3) of Article VII and sub-paragraphs (b) and (d) of paragraph (2) of the Annex would require consultation between or concurrence by the appropriate United States and the Government of the Turks and Caicos Islands shall remain in effect, without prejudice to the right of the Government of the Turks and Caicos Islands to request a review of these administrative agreements or other arrangements.

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AGREED MINUTE WITH RESPECT TO ARTICLE X OF THE
AGREEMENT SIGNED THIS DAY CONCERNING
UNITED STATES DEFENSE AREAS IN THE TURKS AND CAICOS ISLANDS

1. With respect to paragraph (2) of Article X, the United States delegation explained that in handling claims under this provision United States authorities would exercise the broad authority provided under United States laws relating to Foreign Claims and regulations issued thereunder. These laws provide for simple, administrative procedures for the settlement of claims against the United States overseas. Under these procedures any inhabitant of the Islands who believes he has a valid claim would, upon application to any United States authority, be referred to the appropriate United States Foreign Claims Commission which is authorised by law to settle foreign claims.
2. A Claims Commission's procedures in considering claims referred to it are expeditious and very informal, although a full record is developed in each case. A Claims Commission is not bound by judicial rules of evidence and may consider any material which is relevant to the claim. Claims must be presented to a Commission within two years from the time of the loss or injury.
3. Except where settlement is accepted in full satisfaction, a claimant is not precluded from pursuing such remedies as local law provides.
4. The United States delegation explained that in settling claims which are described in paragraph (1) of Article X as arising ". . . . out of any other act, omission or occurrence for which the United States Forces are legally responsible", United States authorities would take into consideration local law and practice. An example would be a claim based upon an injury caused by a falling structure that was under the full control of the United States Forces.
5. It was understood that should the procedures provided for under Article X prove to be unsatisfactory, upon the request of the Government of the United Kingdom, in consultation with the Government of the Islands, a new claims article would be adopted which would be equivalent in substance to paragraph (5) of Article VIII of the NATO Status of Forces Agreement.

ARTICLE IV

Defense Area and Property

(U.S. proposed text)

(1) The defence areas, rights of access, rights of way and easements shall be available to the United States for the term of the Agreement, and shall be provided free of rent and all other charges except as expressly stated in the leases concluded by appropriate United States military authorities and the Government of the Islands.

(UK proposed text)

(1) The defence areas, rights of access, rights of way and easements shall be provided at an annual rental of payable annually in advance by the United States Government to the Government of the Turks and Caicos Islands (hereinafter called the "Government of the Islands") but shall be provided free of all other charges.

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ARTICLE XIV

Commissariat

(U.S. proposed text)

The United States Government shall have the right to establish and operate in the defence areas agencies such as commissary stores, military service exchanges and social clubs for the use of members of the United States Forces and of United States contractors, contractor personnel, United States diplomatic or consular representatives in the Islands and their dependants. Such agencies and the merchandise and services sold or dispensed by them shall be free of all taxes, duties and imposts. The authorities of the United States Forces and of the Islands shall collaborate in measures to be taken to prevent abuse of the privileges granted under this Article.

(UK proposed text)

The United States Government shall have the right to establish and operate in the defence areas agencies such as commissary stores and military service exchanges for the use of members of the United States Forces, United States diplomatic or consular representatives in the Territory and their dependants and social clubs for the use of these persons and United States contractors and contractor personnel and their dependants. Such agencies and the merchandise and services sold or dispensed by them shall be free of all taxes, duties and imposts. The authorities of the United States Forces and of the Islands shall collaborate in measures to be taken to prevent abuse of the privileges granted under this Article.

ARTICLE VII

Public Services and Facilities

(U.S. proposed text)

(1) The United States Forces, United States contractors and the members of the United States Forces and contractor personnel may use the public services and facilities belonging to or controlled or regulated by the Government of the United Kingdom or the Government of the Islands. The terms of use, including charges, shall be no less favourable than those available to other users unless otherwise agreed. No landing charges shall, however, be payable by the United States Government by reason of the use by aircraft owned or operated by or on behalf of the United States Government of any airport in the Islands. There shall be such contribution by the United States Government to the maintenance and operating costs of any airport as may be fair and reasonable, having regard to the use made of it by such aircraft. The amount of such contribution shall be subject to agreement between the United States Government and the Government of the Islands, after consultation with the Government of the United Kingdom.

(UK proposed text)

(1) The United States Forces, United States contractors and the members of the United States Forces and contractor personnel may use the public services and facilities belonging to or controlled or regulated by the Government of the United Kingdom or the Government of the Islands. The terms of use, including charges, shall be no less favourable than those available to other users unless otherwise agreed. No port charges or landing charges shall, however, be payable by the United States Government by reason of the use by ships or aircraft owned or operated by or on behalf of the United States Government of any jetty or airport in the Islands. There shall be such contribution by the United States Government to the maintenance and operating costs of Grand Turk airport and the jetty at the South Base on Grand Turk as may be fair and reasonable, having regard to the use made of them by such ships or aircraft. The amount of such contributions shall be subject to agreement between the United States Government and the Government of the Islands, after consultation with the Government of the United Kingdom.

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