

UNITED STATES OF
AMERICA



Treaty Series No. 49 (2002)

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

terminating the Leased Bases
Agreement of 27 March 1941 and
related lease and other arrangements
regarding the establishment, use,
operation and defence of the United
States bases on Bermuda

Washington, 18 June 2002

[The Exchange of Notes entered into force on 18 June 2002]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
November 2002*

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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 TERMINATING THE LEASED BASES AGREEMENT OF 27 MARCH 1941 AND RELATED LEASE AND OTHER ARRANGEMENTS REGARDING THE ESTABLISHMENT, USE, OPERATION AND DEFENCE OF THE UNITED STATES BASES ON BERMUDA

No. 1

The Secretary of State of the United States of America to the British Ambassador at Washington

*Washington
18 June 2002*

Excellency:

I have the honour to refer to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the bases leased to the United States of America, and related exchanges of notes, done at London March 27, 1941¹, as amended and supplemented by the instruments listed in Annex 1 to this note (hereinafter collectively referred to as “the 1941 Agreement”), and to the related lease and other arrangements regarding the establishment, use, operation and defence of United States bases on Bermuda.

Discussions between representatives of our two Governments have established that the United States has no further need for any leased areas on Bermuda that were made available to the United States under the 1941 Agreement. As a result of these discussions, and the Government of the United Kingdom having consulted the Government of Bermuda, I have the further honor to propose the following, which will result in the return of all such leased areas to the Government of the United Kingdom for the benefit of the Government of Bermuda.

1. The Government of the United States of America hereby gives notice of its intention to abandon all leased areas in Bermuda subject to the 1941 Agreement in accordance with Article XXI of the 1941 Agreement. Notwithstanding the one-year minimum notice requirement provided for by that Article, I propose that this notice of abandonment shall become effective upon the date of your Excellency’s confirming reply to this note.
2. The Government of the United States of America hereby renounces its right to reoccupy any leased areas in Bermuda under the 1941 Agreement.
3. The 1941 Agreement (including the instruments amending and supplementing it listed in Annex 1 to this note) is hereby terminated with respect to the United States and the United Kingdom. As a consequence thereof, the Government of the United States of America confirms that the related lease and other arrangements concluded with the Government of Bermuda including those listed in Annex 2 to this note are also terminated.
4. The Government of the United Kingdom shall extend to Bermuda the Agreement Between the Parties to the North Atlantic Treaty regarding the Status of Their Forces, done at London on June 19, 1951², in accordance with Article XX of that Agreement, and shall provisionally apply that Agreement in Bermuda until the notification of its extension to Bermuda takes effect on 18 July 2002 in accordance with the said Article XX.
5. The Government of the United States of America will pay the Government of the United Kingdom, for the benefit of the Government of Bermuda, the sum of eleven million U.S. dollars (\$11,000,000) in consideration of the termination of all obligations relating to the maintenance and repair of the Longbird Bridge under and pursuant to the 1941

¹ Treaty Series No.2 (1941) Cmd. 6259.

² Treaty Series No.3 (1955) Cmd. 9363.

Agreement, including the Exchange of Notes of 5/6 December 1978¹ referred to in Annex 1 to this note and the related lease and other arrangements regarding the establishment, use, operation and defence of United States bases on Bermuda.

6. The Government of the United States of America and the Government of the United Kingdom hereby waive the right to pursue any and all claims related to the leased areas in Bermuda under the 1941 Agreement.

If the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honor to propose that this note, including Annexes 1 and 2, together with Your Excellency's affirmative reply, shall constitute an agreement between our Governments which will enter into force upon the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

LINCOLN P. BLOOMFIELD

ANNEX 1

1. Exchange of Notes concerning the free importation of goods into the leased bases in Bermuda, in the Caribbean and in British Guiana, Washington, 18 January/21 February 1946².
2. Agreement concerning the Opening of Certain Military Bases in the Caribbean Area and Bermuda to use by Civil Aircraft, and related exchanges of notes, Washington, 24 February 1948³.
3. Exchange of Notes modifying the Leased Bases Agreement of 27 March 1941, Washington, 19 July/1 August 1950⁴.
4. Exchange of Notes concerning the Designation of an Appropriate Area within the Boundaries of the United States Kindley Air Force Base in Bermuda for the provision of Civil Airport Facilities, Washington, 23 March/25 April 1951⁵.
5. Exchange of Notes extending the area of the Civil Air Terminal in Bermuda, Washington, 25 May 1960⁶.
6. Exchange of Notes concerning the Establishment, for Scientific Purposes, of a Space Vehicle Tracking and Communications Station in Bermuda, Washington, 15 March 1961⁷.
7. Exchange of Notes extending the Agreement of March 1961 concerning the Space Vehicle Tracking and Communications Station in Bermuda, London, 23 September 1963⁸.
8. Exchange of Notes further modifying the Agreements of 15 March 1961 and 23 September 1963 concerning the Space Vehicle Tracking and Communications Station in Bermuda, London, 17 January 1968⁹.
9. Exchange of Notes regarding additional Civil Airport Facilities at the United States Kindley Air Force Base, Bermuda, London, 4 June 1968¹⁰.
10. Exchange of Notes regarding a proposed Road through the United States Naval Air Station, Bermuda, London, 28 January 1971¹¹.

¹ Treaty Series No.46 (1979) Cmnd. 7561.

² Treaty Series No.63 (1946) Cmd. 7000.

³ Treaty Series No.22 (1948) Cmd. 7389.

⁴ Treaty Series No.65 (1950) Cmd. 8076.

⁵ Treaty Series No.51 (1951) Cmd. 8290.

⁶ Treaty Series No.45 (1960) Cmd. 1109.

⁷ Treaty Series No.45 (1961) Cmnd. 1388.

⁸ Treaty Series No.90 (1963) Cmnd. 2223.

⁹ Treaty Series No.29 (1968) Cmnd. 3579.

¹⁰ Treaty Series No.80 (1968) Cmnd. 3753.

¹¹ Treaty Series No.22 (1971) Cmnd. 4634.

11. Exchange of Notes amending and supplementing the Agreement of 27 March 1941, as amended, regarding leased Naval and Air Bases on Bermuda, Washington, 5/6 December 1978¹.

12. Exchange of Notes further amending and supplementing the Agreement of 27 March 1941, as amended, regarding Leased Naval and Air Bases on Bermuda, Washington, 7 March 1985².

ANNEX 2

1. Agreement of Sublease dated 29 December 1978.
2. Agreement of Sublease dated 25 February 1980.
3. Agreement for Right of Way dated 5 March 1982.
4. Memorandum of Understanding dated 24 August/14 September 1983.
5. Supplemental Memorandum of Understanding dated 8 March 1984.
6. Agreement of Sublease dated 30 November 1984.
7. Exchange of Letters of 20 March/21 May 1985.

No. 2

The British Ambassador at Washington to the Secretary of State of the United States of America

*Washington
18 June 2002*

Sir

I have the honour to acknowledge receipt of your Note of 18 June 2002 which reads as follows:

[As in No. 1]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, which has consulted the Government of Bermuda on this matter. The Government of the United Kingdom therefore agrees that your Note, together with its annexes, and the present reply, shall constitute an agreement between our Governments in this matter, which shall enter into force on the date of the present reply.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

CHRISTOPHER MEYER

¹ Treaty Series No.46 (1979) Cmnd. 7561.

² Treaty Series No.46 (1985) Cmnd. 9604.



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