



Treaty Series No. 21 (1939)

Exchange of Notes

between His Majesty's Government in the United Kingdom
and the United States Government

regarding the

Administration of the Islands of Canton and Enderbury

Washington, April 6, 1939

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

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EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT
IN THE UNITED KINGDOM AND THE UNITED STATES
GOVERNMENT REGARDING THE ADMINISTRATION OF THE
ISLANDS OF CANTON AND ENDERBURY.

Washington, April 6, 1939.

No. 1.

Mr. Cordell Hull to Sir R. Lindsay.

Excellency,

Washington, April 6, 1939.

WITH reference to recent correspondence between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Canton and Enderbury Islands in the South Pacific Ocean, I have the honour to propose an Agreement concerning these islands in the following terms :—

I.

The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

II.

The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

III.

The islands shall, during the period of joint control, be subject to a special joint *ad hoc* régime the details of which shall be determined by the two Governments in consultation from time to time.

IV.

The islands shall be available for communications and for use as airports for international aviation, but only civil aviation

companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

V.

The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose shall be the subject of agreement between the two Governments.

VI.

An airport may be constructed and operated on Canton Island by an American company or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

VII.

The joint control hereby set up shall have a duration of fifty years from this day's date. If no agreement to the contrary is reached before the expiration of that period the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments.

I have the honour to suggest that if an Agreement in the sense of the foregoing paragraphs is acceptable to the Government of the United Kingdom this Note and Your Excellency's reply thereto in similar terms shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, &c.

CORDELL HULL.

No. 2.

Sir R. Lindsay to Mr. Cordell Hull.

Sir,

Washington, April 6, 1939.

I HAVE the honour to refer to your Note of this day's date proposing an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government

of the United States of America on the subject of Canton and Enderbury Islands in the following terms:—

I.

The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

II.

The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

III.

The islands shall, during the period of joint control, be subject to a special joint *ad hoc* régime the details of which shall be determined by the two Governments in consultation from time to time.

IV.

The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

V.

The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose shall be the subject of agreement between the two Governments.

VI.

An airport may be constructed and operated on Canton Island by an American company or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

VII.

The joint control hereby set up shall have a duration of fifty years from this day's date. If no agreement to the contrary is reached before the expiration of that period the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments.

I have the honour to inform you that an Agreement in the terms of the foregoing paragraphs is acceptable to the Government of the United Kingdom and that this Note, and your Note under reference, will be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

I have, &c.

R. C. LINDSAY.

