

MEMORANDUM FOR THE CABINET BY THE HON. PRIME MINISTERProposed Agreement on Mutual Defence and
Assistance-Part 3, Section 4(1)(b)Special Arrangements for waters in the vicinity
of Service Establishments

In terms of the proposed Agreement for Mutual Defence and Assistance, special arrangements will have to be made "to enable the Government of the United Kingdom to have the unobstructed use of waters in the vicinity of service establishments and to enable United Kingdom service vessels to have access to such waters, and also for security of United Kingdom property in such waters, including United Kingdom service vessels and property in them."

2. Discussions have been held with the local service authorities and provisional agreement has been reached as to the special arrangements which should apply. These arrangements would take the form of an Exchange of Letters as in the question of the Civil Dockyard. A copy of the Draft Exchange of Letters is attached.

3. It will be observed that the arrangements provide:

- (a) for the free passage of non-service vessels through waters in the vicinity of service establishments, when such passage does not itself constitute an obstruction to service craft or vessels using those waters;
- (b) for moorings and other obstructions to be established by the service authorities in such waters only with the agreement of the Authorities of Malta;
- (c) for the control by the Authorities of Malta of all movements of ships and for the allocation of berths;
- (d) for the temporary berthing in such waters by non-service vessels provided that such berthing does not obstruct access to shore establishments by service craft and vessels.

4. It should be noted that the services have accepted that no special arrangements are necessary with regard to a number of service establishments in respect of which such arrangements were originally considered to be required, viz., Manoel Island (Fleet Diving Centre and the Tactical and Signal Training School), Haywharf, Tigne, St. Elmo, Fort San Lucian, Kavallerizza, St. George's Bay-Salina Bay, Snipwrights' wharf, Bighi and Ricassoli.

5. The special arrangements provisionally agreed are considered to be acceptable by the Malta representatives who have made a very careful study of civil requirements, including those of the Drydocks, and who have toured the entire Grand Harbour area "to see for themselves".

6. One point to which attention is particularly drawn is that regarding the allocation of berths. To date, this has been carried out by the Naval Authorities who have the necessary organization to carry out this exercise. Once responsibility passes to the Malta Authorities, the department concerned will have to ensure that the necessary organization is available to handle this job.

7. Hon. Ministers are requested to consider the above and to say whether they agree that the special arrangements provisionally agreed may be confirmed.

12th September, 1964

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Draft Exchange of Letters on waters in the
vicinity of Service Establishments

- A. Letter from the Secretary of State for Commonwealth Relations and for the Colonies to the Prime Minister of Malta.

Dear Prime Minister,

I have the honour to set out the special arrangements concerning waters in the vicinity of service establishments which have been agreed between representatives of the Government of Malta and representatives of the Government of the United Kingdom of Great Britain and Northern Ireland in pursuance of paragraph (1) (b) of section 4 of Part 3 of the Annex to the Agreement on Mutual Defence and Assistance signed on behalf of our respective Government at
on

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- (a) Our two Governments recognise that special arrangements are necessary in relation to those service establishments to which United Kingdom service vessels must have access for operational purposes;
- (b) In respect of the service establishments existing in the localities listed in the Schedule to this letter and within the areas of water therein defined (hereinafter referred to as "cleared areas"), the Government of Malta undertake to remove all moorings or other obstructions, whether anchored permanently to the seabed or not, in so far as these impede the passage of vessels: provided that vessels other than United Kingdom service vessels may pass freely through cleared areas where the passage of such other vessels does not itself constitute an obstruction to service vessels using these waters;

(c)/

- (c) The Government of Malta undertake to ensure to United Kingdom service vessels access to the cleared areas and to the service establishments referred to in sub-paragraph (b), and shall also accord such vessels priority of use of cleared areas but only in so far as operational requirements may justify; the Government of Malta further undertake to allocate only temporary berthing to other vessels in cleared areas and only where such berthing does not obstruct access to service establishments by United Kingdom service vessels;
- (d) The Government of the United Kingdom will not lay moorings or establish other obstructions in cleared areas except by agreement with the Government of Malta and undertakes to ensure that United Kingdom service vessels shall not use cleared areas for non-operational purposes in such a way as to constitute an obstruction to the free passage of other vessels;
- (e) In the exercise of control over shipping within Maltese Territorial waters, including the control of movements of vessels in internal waters and the allocation of berths, and so far as may be necessary to co-ordinate civil and service requirements, the Government of Malta shall consult the British Authorities on the general arrangements for the control of shipping in territorial waters and shall establish liaison with these authorities in the day-to-day control of internal waters.

2. I have the honour to suggest that, if these arrangements are acceptable to the Government of Malta, this letter, together with your reply to that effect, shall be regarded as constituting an agreement in this matter between the Government of Malta and the Government of the United Kingdom, which shall be read as one/.....

as one with the said Agreement on Mutual Defence and Assistance.

Schedule

<u>Locality of Service Establishments</u>	<u>Cleared Areas</u>
Msida Creek	100 feet from enclosed wharf
Kalafrana	Waters in Kalafrana Bay enclosed by a line joining positions 35° 49' 7.5" N : 14° 32' 19.5" E 35° 49' 12" N : 14° 32' 8.5" E
Finto Wharf	300 feet from wharf
Fuad Wharf	300 feet from the shore between the access gate to the Navy Fuelling Dolphins (35° 52' 56.7" N : 14° 30' 22" E) and Ras Hanzir Point
Laboratory, Magazine and Clubhouse Wharves	Area between wharves and a line extending from mooring No.3 southwest to a point 300 feet northwest of Ras Hanzir
Parlatorio, Canteen and Boat House Wharves	An area between wharves and a line extending from mooring No.3 to a point 300 feet east of the most easterly point of Boat House wharf.
Dockyard Creek	300 feet from wharves
Kalkara Creek	An area bounded by lines drawn 000 ⁰ from positions 35° 53' 15" N : 14° 31' 35.5" E and 35° 53' 16" N : 14° 31' 30.8" E and by the 3 fathoms line

NOTE: The areas in the vicinity of the floating dock will be reduced when that dock is removed.

- B. Letter from the Prime Minister of Malta to the Secretary of State for Commonwealth Relations and for the Colonies.

Dear Secretary of State,

I have the honour to acknowledge the receipt of your letter of to-day's date, which reads as follows:

(Text as in A above)

2./.....

2. The arrangements set out in that letter are acceptable to the Government of Malta and I have the honour, therefore, to confirm that that letter, together with this reply, shall constitute an agreement accordingly, and shall be read as one with the said Agreement on Mutual Defence and Assistance.

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