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Agreement between Canada and the United States of America relating to the exchange of information on weather modification activities

The Government of Canada and the Government of the United States of America,

Aware, because of their geographic proximity, that the effects of weather modification activities carried out by either Party or its nationals may affect the territory of the other;

Noting the diversity of weather modification activities in both Canada and the United States by private parties, by State and Provincial authorities, and by the Federal Governments;

Believing that the existing state of knowledge warrants the expectation of further development over a period of time in the science and technology of weather modification;

Taking into particular consideration the special traditions of prior notification and consultation and the close cooperation that have historically characterized their relations;

Believing that a prompt exchange of pertinent information regarding the nature and extent of weather modification activities of mutual interest may facilitate the development of the technology of weather modification for their mutual benefit;

Recognizing the desirability of the development of international law relating to weather modification activities having transboundary effects;

Have agreed as follows:

Article I

As used in this Agreement:

- (a) "Weather modification activities", means activities performed with the intention of producing artificial changes in the composition, behaviour, or dynamics of the atmosphere;
- (b) "Weather modification activities of mutual interest" means weather modification

activities carried out in or over the territory of a Party within 200 miles of the international boundary; or such activities wherever conducted, which, in the judgment of a Party, may significantly affect the composition, behaviour, or dynamics of the atmosphere over the territory of the other Party;

(c) "Responsible agencies" means the Atmospheric Environment Service of Canada and the National Oceanic and Atmospheric Administration of the United States, or such other agencies as the Parties may designate;

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(d) Reporting requirements" means the requirements established by the domestic laws or regulations of the Parties for reporting to the responsible agencies information relating to weather modification activities by persons or entities engaged in weather modification.

Article II

(1) Information relating to weather modification activities of mutual interest acquired by a responsible agency through its reporting requirements or otherwise, shall be transmitted as soon as practicable to the responsible agency of the other Party. Whenever possible, this information shall be transmitted prior to the commencement of such activities. It is anticipated that such information will be transmitted within five working days of its receipt by a responsible [sic] agency.

(2) Information to be provided by the responsible agencies shall include copies of relevant reports received through the reporting procedures after the effective date of this Agreement, and such other information and interpretation as the responsible agency might consider appropriate.

(3) Nothing herein shall be construed to require transmission to the other responsible agency of information, the disclosure of which is prohibited by law, or of information which, in the judgment of the responsible agency, is proprietary information.

Article III

The responsible agencies shall consult with a view to developing compatible reporting formats, and to improving procedures for the exchange of information.

Article IV

In addition to the exchange of information pursuant to Article II of this Agreement, each Party agrees to notify and to fully inform the other concerning any weather modification activities of mutual interest conducted by it prior to the commencement of such activities. Every effort shall be made to provide such notice as far in advance of such activities as may be possible, bearing in mind the provisions of Article V of this Agreement.

Article V

The Parties agree to consult, at the request of either Party, regarding particular weather modification activities of mutual interest. Such consultations shall be initiated promptly on the request of a Party, and in cases of urgency may be undertaken through telephonic or other rapid means of communication. Consultations shall be carried out in light of the Parties' laws, regulations, and administrative practices regarding weather modification.

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Article VI

The Parties recognize that extreme emergencies, such as forest fires, may require immediate commencement by one of them of weather modification activities of mutual interest notwithstanding the lack of sufficient time for prior notification pursuant to Article IV, or for consultation pursuant to Article V. In such cases, the Party commencing such activities shall notify and fully inform the other Party as soon as practicable, and shall promptly enter into consultations at the request of the other Party.

Article VII

Nothing herein relates to or shall be construed to affect the question of responsibility or liability for weather modification activities, or to imply the existence of any generally applicable rule of international law.

Article VIII

Each Party shall conduct an annual review of this Agreement while it remains in force, and shall inform the other of its views regarding the Agreement's operation and effectiveness and the desirability of its amendment to reflect the evolution of the science and technology of weather modification and of international law. The Parties shall meet periodically, by mutual agreement, or at the request of either, to review the implementation of this Agreement or to consider other issues related to weather modification.

Article IX

This Agreement shall enter into force upon signature. It may be amended by mutual agreement of the Parties and may be terminated by either Party upon six months written notice to the other Party.

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IN WITNESS WHEREOF the Representatives of the two Governments have signed this Agreement.

DONE in duplicate at Washington this twenty sixth day of March 1975 in English and French, each version being equally authentic.

JEANNE SAUVÉ

For the Government of Canada

CHRISTIAN A. HERTER

For the Government of the United States of America



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