

No. 1361

**UNITED STATES OF AMERICA
and
TURKEY**

Agreement (with exchange of notes) for the use of funds made available in accordance with the Agreement signed in Cairo on 27 February 1946 by and between the Government of the United States of America and the Government of the Republic of Turkey. Signed at Ankara, on 27 December 1949

Official texts: English and Turkish.

Registered by the United States of America on 21 August 1951.

**ÉTATS-UNIS D'AMÉRIQUE
et
TURQUIE**

Accord (avec échange de notes) relatif à l'utilisation des fonds fournis en application de l'Accord conclu entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Turquie et signé par eux au Caire le 27 février 1946. Signé à Ankara, le 27 décembre 1949

Textes officiels anglais et turc.

Enregistré par les États-Unis d'Amérique le 21 août 1951.

No. 1361. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY FOR THE USE OF FUNDS MADE AVAILABLE IN ACCORDANCE WITH THE AGREEMENT SIGNED IN CAIRO ON 27 FEBRUARY 1946² BY AND BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY. SIGNED AT ANKARA, ON 27 DECEMBER 1949

The Government of the United States of America and the Government of the Republic of Turkey;

Desiring to promote further mutual understanding between the peoples of the United States of America and the Republic of Turkey by a wider exchange of knowledge and professional talents through educational contacts;

Considering that Section 32 (b) of the United States Surplus Property Act of 1944, as amended by Public Law No. 584, 79th Congress,³ provides that the Secretary of State of the United States of America may enter into an agreement with any foreign government for the use of currencies or credits for currencies of such foreign government acquired as a result of surplus property disposals for certain educational activities; and

Considering that under the provisions of Section 1 of the Agreement signed at Cairo on February 27, 1946² by and between the Government of the United States of America and the Government of the Republic of Turkey (hereinafter designated "the Credit Agreement") it is provided that the United States may at any time, or from time to time, in any year, call for the payment in Turkish liras at the official rate of exchange of any amount or amounts up to one-half ($\frac{1}{2}$) of the then outstanding amount due under the credit granted by the terms of the Credit Agreement including the interest calculated to the date of payment; and that the amounts of Turkish liras so called for will be deposited in a special account in the Central Bank of the Republic of Turkey, and may be used, among other uses, for cultural, educational, and humanitarian purposes,

Have agreed as follows :

¹ Came into force on 21 March 1950, by notification given to the Government of the United States of America by the Government of Turkey of the ratification thereof by the Grand National Assembly of Turkey, in accordance with article 14.

² Not printed by the Department of State of the United States of America.

³ United States of America : 60 Stat. 754.

Article 1

There shall be established a commission to be known as the United States Educational Commission in Turkey (hereinafter designated "the Commission") which shall be recognized by the Government of the United States of America and the Government of the Republic of Turkey as an organization created and established to facilitate the administration of the educational program to be financed by funds made available by the Government of the Republic of Turkey under the terms of this agreement. Except as provided in Article 3 hereof the Commission shall be exempt from the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present agreement. The funds shall be regarded in the Republic of Turkey as the property of a foreign government. The funds made available under the present agreement by the Government of the Republic of Turkey, within the conditions and limitations hereinafter set forth, shall be placed at the disposal of the Commission or such other instrumentality as may agreed upon by the Government of the United States of America and the Government of the Republic of Turkey for the purpose, as set forth in Section 32 (b) of the United States Surplus Property Act of 1944, as amended, of

(1) financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in Turkey or of the citizens of Turkey in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance, and other expenses incident to scholastic activities, or

(2) furnishing transportation for citizens of Turkey who desire to attend United States schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose attendance will not deprive citizens of the United States of America of an opportunity to attend such schools and institutions.

Article 2

In furtherance of the aforementioned purposes, the Commission may, subject to the provisions of Article 10 of the present agreement, exercise all powers necessary to the carrying out of the purpose of the present agreement, including the following:

(1) Authorize the Treasurer of the Commission or such other person as the Commission may designate to receive funds to be deposited in bank

accounts in the name of the Treasurer of the Commission or such other person as may be designated. The appointment of the Treasurer or such designee shall be approved by the Secretary of State of the United States of America and he shall deposit funds received in a depository or depositories designated by the Secretary of State of the United States of America.

(2) Subject to the conditions and limitations set forth herein, authorize the Treasurer of the Commission or such other person as the Commission may designate to disburse funds and to make grants and advances of funds for the authorized purposes of the present agreement.

(3) Plan, adopt, and carry out programs, in accordance with the purposes of Section 32 (b) of the United States Surplus Property Act of 1944, as amended, and the purposes of the present agreement.

(4) Recommend to the Board of Foreign Scholarships, provided for in the United States Surplus Property Act of 1944, as amended, students, professors, research scholars, resident in Turkey, and institutions of Turkey qualified to participate in the program in accordance with the aforesaid Act.

(5) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the programs as it may deem necessary for achieving the purpose and objectives of the Commission.

(6) Provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors selected by the Secretary of State of the United States of America.

(7) Engage administrative and clerical staff and fix and authorize the payment of the salaries and wages thereof.

Article 3

All expenditures authorized by the Commission shall be made pursuant to an annual budget to be approved by the Secretary of State of the United States of America pursuant to such regulations as he may prescribe.

Article 4

The Treasurer of the Commission shall not enter into any commitments or create any obligation which shall bind the Commission in excess of the funds actually on hand, nor acquire, hold, or dispose of property except for the purposes authorized in the present agreement.

Article 5

The Commission shall consist of eight members, four of whom shall be citizens of the United States of America and four of whom shall be citizens of Turkey. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Turkey (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Commission. He shall cast the deciding vote in the event of a tie vote by the Commission and shall appoint the Chairman of the Commission. The Chairman as a regular member of the Commission shall have the right to vote. The Chief of Mission shall have the power to appoint and remove the citizens of the United States of America on the Commission, at least two of whom shall be officers of the United States Foreign Service establishment in Turkey. The Government of Turkey shall have the power to appoint and remove the citizens of Turkey on the Commission.

The members shall serve from the time of their appointment until the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside Turkey, expiration of service or otherwise, shall be filled in accordance with the appointment procedure set forth in this article.

The members shall serve without compensation but the Commission is authorized to pay the necessary expenses of the members in attending the meetings of the Commission.

Article 6

The Commission shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Commission.

Article 7

Reports as directed by the Secretary of State of the United States of America shall be made annually on the activities of the Commission to the Secretary of State of the United States of America and the Government of the Republic of Turkey.

Article 8

The principal office of the Commission shall be in the capital city of the Republic of Turkey, but meetings of the Commission and any of its committees may be held in such other places as the Commission may from time to time determine, and the activities of any of the Commission's officers or staff may be carried on at such places as may be approved by the Commission.

Article 9

The Commission may appoint an Executive Officer and determine his salary and term of service, provided, however, that in the event it is found

to be impracticable for the Commission to secure an appointee acceptable to the Chairman, the Government of the United States of America may provide an Executive Officer and such assistants as may be deemed necessary to ensure the effective operation of the program. The Executive Officer shall be responsible for the direction and supervision of the Commission's programs and activities in accordance with the Commission's resolutions and directives. In his absence or disability, the Commission may appoint a substitute for such time as it deems necessary or desirable.

Article 10

The decisions of the Commission in all matters may, in the discretion of the Secretary of State of the United States of America, be subject to his review.

Article 11

The Government of the Republic of Turkey shall, as and when requested by the Government of the United States of America for purposes of this agreement, deposit in a special account of the Treasurer of the United States of America in the Central Bank of the Republic of Turkey, amounts of currency of the Government of the Republic of Turkey up to an aggregate amount equivalent to \$500,000 (United States currency), provided, however, that in no event shall a total amount of the currency of the Government of the Republic of Turkey, in excess of the equivalent of \$250,000 (United States currency) be deposited during any single calendar year. The rate of exchange between currency of the Government of the Republic of Turkey and United States currency to be used in determining the amount of currency of the Government of the Republic of Turkey to be so deposited shall be that specified in Article 1, section 3 of the Credit Agreement.

The Secretary of State of the United States of America will make available for expenditure as authorized by the Commission currency of the Government of the Republic of Turkey in such amounts as may be required for the purposes of this agreement but in no event in excess of the budgetary limitation established pursuant to Article 3 of the present agreement.

Article 12

Wherever, in the present agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

Article 13

The present agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of the Republic of Turkey.

Article 14

This agreement shall be subject to ratification by the Grand National Assembly of Turkey. It shall become effective on the day on which notice of such ratification is given to the Government of the United States of America.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present agreement.

DONE at Ankara, in duplicate, in the English and Turkish languages, this 27th day of December, 1949.

For the Government of the
United States of America :
George WADSWORTH
[SEAL]

For the Government of the
Republic of Turkey
Z. AKDUR
[SEAL]

EXCHANGE OF NOTES

I

The American Ambassador to the Secretary General, Turkish Ministry of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

Ankara, December 27, 1949

No. 1866

Excellency,

I have the honor to refer to the agreement between the Government of the United States of America and the Government of the Republic of Turkey, signed at Ankara today, for the use of funds made available in accordance with the agreement signed in Cairo on February 27, 1946, between the Government of the United States of America and the Government of the Republic of Turkey, and to confirm that the funds placed at the disposal of the Treasurer of the Commission in accordance with the above-mentioned agreement will be used exclusively in Turkish Liras and that no requests will be made to the Turkish Ministry of Finance for the conversion into foreign exchange of any part of the said funds.

Please accept, Excellency, the renewed assurance of my highest consideration.

George WADSWORTH

His Excellency Faik Zihni Akdur
Secretary General
Ministry of Foreign Affairs
Ankara

TRANSLATION¹ — TRADUCTION²

REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS

Ankara, December 27, 1949

No. 57231/212

Excellency,

I have the honor to communicate to Your Excellency the receipt of your note of today's date, the text of which is inserted below :

[See note I]

I have taken cognizance of the contents of the aforementioned note and beg Your Excellency to accept my highest considerations.

Z. AKDUR

His Excellency George Wadsworth
Ambassador of the United States of America
Ankara

III

The Secretary General, Turkish Ministry of Foreign Affairs, to the American Ambassador

TURKISH TEXT — TEXTE TURC

TÜRKİYE CÜMHURİYETİ
DIŞİŞLERİ BAKANLIĞI

Ankara, 27 Aralık 1949

No: 57230/211

Ekselâns,

Türkiye Cumhuriyeti Hükûmeti ile Amerika Birleşik Devletleri Hükûmeti arasında 27 Şubat 1946 tarihinde Kahire'de imza edilen Anlaşma gereğince temin edilen paraların kullanılmasına dair Türkiye Cumhuriyeti Hükûmeti ile Amerika Birleşik Devletleri Hükûmeti arasında bugün Ankara'da

TRANSLATION¹ — TRADUCTION²

REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS

Ankara, December 27, 1949

No. 57230/211

Excellency,

I have the honor to refer to the agreement between the Government of the Republic of Turkey, and the Government of the United States of America, signed in Ankara today, concerning the use of funds made available in accordance with the agreement signed in Cairo on February 27,

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des Etats-Unis d'Amérique.

imza edilen Anlaşmaya atf ile şeref kesbeyler ve bugünkü tarihli Anlaşma gereğince kendilerine bağış yapılan kimselere vaki tediyelerin Türkiye'de elyevm mer'i veya ileride vazedilecek her nevi vergi mükellefiyetleri dolayısıyla kesintiye tabi tutulmaması zımında alâkadar Türkiye makamları tarafından icab eden tedabirin alınacağını ve bu suretle bağış yapılan kimselerin mevdu vazifelerinin ifası hususunda kendilerine tahsis edilen meblağlardan tam olarak istifade edeceklerini teyid ederim.

Yüksek saygılarımin kabulünü rica ederim, Ekselâns.

Z. AKDUR

Ekselâns George Wadsworth
Amerika Birleşik Devletleri
Büyük Elçisi
Ankara

1946, between the Government of the Republic of Turkey and the Government of the United States of America and to confirm that the necessary measures will be taken by the competent Turkish authorities to the end that payments made to grantees under the agreement of today's date will not be subject to deduction owing to tax obligations effective in Turkey at present or to be imposed in the future and that grantees will thus make full use of the funds allotted to them with respect to accomplishing their assigned tasks.

Z. AKDUR

His Excellency George Wadsworth
Ambassador of the
United States of America
Ankara

IV

The American Ambassador to the Secretary General, Turkish Ministry of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

Ankara, December 27, 1949

No. 1867
Excellency,

I have the honor to acknowledge the receipt of Your Excellency's note of today's date, which reads as follows :

[See note III]

I have taken due note of the contents of Your Excellency's communication. Please accept, Excellency, the renewed assurance of my highest consideration.

George WADSWORTH

His Excellency Faik Zihni Akdur
Secretary General
Ministry of Foreign Affairs
Ankara