

No. 1050

**UNITED STATES OF AMERICA
and
ITALY**

Exchange of notes constituting an agreement relating to mutual defense assistance. Washington, 27 January 1950

Official texts: English and Italian.

Registered by the United States of America on 10 February 1951.

**ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

Echange de notes constituant un accord relatif à l'aide pour la défense mutuelle. Washington, 27 janvier 1950

Textes officiels anglais et italien.

Enregistré par les Etats-Unis d'Amérique le 10 février 1951.

No. 1050. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO MUTUAL DEFENSE ASSISTANCE. WASHINGTON, 27 JANUARY 1950

I

The Secretary of State to the Italian Ambassador

DEPARTMENT OF STATE
WASHINGTON

January 27, 1950

Excellency:

I have the honor to refer to conversations which have recently taken place between representatives of our two Governments concerning the furnishing of military assistance by the Government of the United States of America to the Government of Italy pursuant to the United States Mutual Defense Assistance Act of 1949,² and the receipt of such assistance by the Government of Italy, and to confirm the understandings reached as a result of those conversations as follows:

The Governments of the United States of America and Italy;
Being parties to the North Atlantic Treaty signed at Washington on April 4, 1949;³

Conscious of their reciprocal pledges under Article 3 separately and jointly with the other parties, by means of continuous and effective self-help and mutual aid, to maintain and increase their individual and collective ability to resist armed attack;

Desiring to foster international peace and security, within the framework of the Charter of the United Nations through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles;

Reaffirming their determination to give their full cooperation to the efforts to provide the United Nations with armed forces as contemplated by the Charter and to obtain agreement on universal regulation and reduction of armaments under adequate guarantee against violation;

Recognizing that the increased confidence of free peoples in their own ability to resist aggression will advance economic recovery;

¹ Came into force on 27 January 1950, by the exchange of the said notes.

² United States of America: Public Law 329, 81st Congress; 63 Stat. 714.

³ United Nations, *Treaty Series*, Vol. 34, p. 243.

Taking into consideration the support that the Government of the United States of America has brought to these principles by enacting the Mutual Defense Assistance Act of 1949 which provides for the furnishing of military assistance to nations which have joined with it in collective security arrangements;

Desiring to set forth the understandings which will govern the transfer of such assistance;

Have agreed as follows:

Article I

1. Each Government, consistently with the principle that economic recovery is essential to international peace and security and must be given clear priority, will make or continue to make available to the other, and to other governments such equipment, materials, services, or other military assistance as the Government furnishing such assistance may authorize, in accordance with such terms and conditions as may be agreed. The furnishing of any such assistance as may be authorized by either party hereto shall be consistent with the Charter of the United Nations and with the obligations under Article 3 of the North Atlantic Treaty. Such assistance shall be so designed as to promote an integrated defense of the North Atlantic area and to facilitate the development of, or be in accordance with, defense plans under Article 9 of the North Atlantic Treaty approved by each government. Such assistance as may be made available by the United States of America pursuant to this Agreement will be furnished under the provisions, and subject to all of the terms, conditions and termination provisions, of the Mutual Defense Assistance Act of 1949, acts amendatory and supplementary thereto and appropriation acts thereunder. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. Each Government undertakes to make effective use of assistance received pursuant to paragraph 1 of this article

(a) for the purpose of promoting an integrated defense of the North Atlantic Area, and for facilitating the development of defense plans under Article 9 of the North Atlantic Treaty, and

(b) in accordance with defense plans formulated by the North Atlantic Treaty Organization recommended by the Defense Committee and the North Atlantic Treaty Council, and agreed to by the two Governments.

3. Neither Government, without the prior consent of the other, will devote assistance furnished to it by the other Government to purposes other than those for which it was furnished.

4. In the common security interest of both Governments, each Government undertakes not to transfer to any person not an officer or agent of such Government or to any other nation title to or possession of any equipment, materials, or services, received on a grant basis pursuant to paragraph 1, without the prior consent of the other Government.

Article II

1. Each Government will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.

2. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished by the other Government pursuant to this Agreement.

Article III

The two Governments will, upon request of either of them, negotiate appropriate arrangements between them respecting responsibility for patent or similar claims based on the use of devices, processes, technological information or other forms of property protected by law in connection with equipment, materials or services furnished pursuant to this Agreement or furnished in the interest of production undertaken by agreement between the two Governments in implementation of pledges of self-help and mutual aid contained in the North Atlantic Treaty.

Article IV

1. Subject to the provision of the necessary appropriations, the Government of Italy undertakes to make available to the Government of the United States of America lire for the use of the latter Government for its administrative expenditures within Italy in connection with assistance furnished by the Government of the United States of America to the Government of Italy under this Agreement. The two Governments will forthwith initiate discussions with a view to determining the amount of such lire and to agreeing upon arrangements for the furnishing of such lire.

2. The Government of Italy will, except as otherwise agreed to, grant duty-free treatment and exemption from internal taxation upon importation or exportation to products, property, materials or equipment imported into its territory in connection with this Agreement or any similar agreement between the United States of America and any other country receiving military assistance.

Article V

Each Government agrees to receive personnel of the other Government who will discharge in its territory the responsibilities of the other Government under this Agreement and who will be accorded facilities to observe the progress of assistance furnished pursuant to this Agreement. Such personnel who are nationals of that other country, including personnel temporarily assigned, will, in their relations with the Government of the country to which they are assigned, operate as a part of the Embassy under the direction and control of the Chief of the Diplomatic Mission — of the Government of such country.

Article VI

1. This Agreement shall become effective on January 27th, 1950. This Agreement will terminate one year after the receipt of notification by either Government of the intention of the other to terminate it.

2. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

The terms of this Agreement shall at any time be reviewed at the request of either Government. Such review shall take into account, where appropriate, agreements concluded by either Government in connection with the carrying out of Article 9 of the North Atlantic Treaty.

This Agreement may be amended at any time by agreement between the two Governments.

3. The Annexes to this Agreement form an integral part thereof.

4. This Agreement shall be registered with the Secretary-General of the United Nations.

ANNEX A

In the course of discussions on the exchange of notes under the United States Mutual Defense Assistance Act of 1949, the following understandings were reached by the representatives of the Governments of Italy and the United States of America;

1. For the purposes of Article I, paragraphs 2 and 3, fungible materials and minor items of equipment which are, for all practical purposes fungible, shall be treated as such. Accordingly, in the case of such fungible materials or equipment, the requirements of Article I, paragraphs 2 and 3, will be satisfied if each Government devotes to the purposes of this Article either the particular items furnished or an equivalent quantity of similar and substitutable items.

2. Similarly, in the case of finished products manufactured by either Government with assistance furnished under this Agreement, the requirements of Article I, paragraphs 2 and 3, will be satisfied if the recipient Government devotes to the purposes of Article I, paragraphs 2 and 3, either such finished products or an equivalent quantity of similar and substitutable finished products.

3. Further, in the light of paragraphs 1 and 2 above, neither Government will refuse its consent under Article I, paragraph 4, to the transfer of a major item of indigenous equipment merely because there may have been incorporated into it as an identifiable component part a relatively small and unimportant item of assistance furnished under this Agreement by the other Government. The two Governments will forthwith discuss detailed arrangements for a practical procedure for granting consent in respect of the types of transfer referred to in this paragraph.

4. Each Government will nevertheless make all practicable efforts to use items of assistance for the purposes for which they may have been furnished by the other.

ANNEX B

In connection with the exchange of notes under the United States Mutual Defense Assistance Act of 1949 between the Government of Italy and the Government of the United States of America, and based upon the principle of mutual aid

enunciated in the said notes under the United States Mutual Defense Assistance Act, the two Governments agree as follows:

In the event of the cessation of the effectiveness of Article V of the Economic Cooperation Agreement between the Government of Italy and the Government of the United States of America signed on June 28th, 1948¹ at Rome prior to the cessation of the agreement between the two Governments under the United States Mutual Defense Assistance Act, the Government of Italy will, for so long as the Agreement between the two Governments under the Mutual Defense Assistance Act remains in effect, facilitate the production and transfer to the Government of the United States of America, for such period of time, in such quantities and upon such terms and conditions as may be agreed upon, of raw and semi-processed materials required by the United States as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Italy or dependent territories under its administration. Arrangements for such transfers shall give due regard to reasonable requirements for domestic use and commercial export of Italy. All applicable annexes to Article V of the Economic Cooperation Agreement shall apply to this Agreement.

ANNEX C

In the course of discussions on the exchange of notes under the United States Mutual Defense Assistance Act of 1949, the representatives of the two Governments have reached the understanding that the following points will be considered in the negotiations provided for in Article III.

1. The inclusion of an undertaking whereby each Government would assume the responsibility for all the patent or similar claims of its nationals referred to in Article III of the said exchange of notes and for such claims arising in its jurisdiction of nationals of any country not a party to this Agreement;
2. The terms on which inventions would be communicated to contractors with a view to protecting the commercial rights of inventors;
3. Rights in improvements or other modifications of patented inventions;
4. Arrangements for the protection of secret processes and secret technological information, as distinct from patented and patentable inventions;
5. The system for disclosing the users and the extent of the use of the patents, trade-marks and copyrights referred to in Article III.

ANNEX D

In implementation of paragraph 1 of Article IV of the Agreement between the Governments of the United States of America and Italy signed at Washington, the Government of Italy will deposit lire at such times as requested in an account designated by the United States Embassy at Rome, not to exceed in total 249,600,000 lire for its use on behalf of the Government of the United States of America for administrative expenditures within Italy in connection with carrying out that Agreement for the period ending June 30, 1950.

¹ United Nations, *Treaty Series*, Vol. 20, p. 43, and Vol. 55, p. 318.

ANNEX E

Provision is made in Article IV, paragraph 1, of the exchange of notes under the United States Mutual Defense Assistance Act of 1949, as follows:

“Subject to the provision of the necessary appropriations, the Government of Italy undertakes to make available to the Government of the United States of America lire for the use of the latter Government for its administrative expenditures within Italy in connection with assistance furnished by the Government of the United States of America to the Government of Italy under this Agreement.”

In the course of discussions on the exchange of notes, representatives of the Government of the United States of America stated that in the event that the Government of Italy shall in the future furnish grant assistance to the Government of the United States of America, involving the delivery of materials and equipment to the United States, the Government of the United States of America, if so requested by the Government of Italy, and subject to legislative authorization, shall provide dollars for the use of the Government of Italy for its administrative expenditures within the United States in connection with the furnishing of such assistance. The representatives of the Government of the United States of America advised the representatives of the Government of Italy that dollar expenditures in the United States which may be incurred as a result of the training of Italian personnel in the United States under this Agreement can be met out of funds made available under the United States Mutual Defense Assistance Act of 1949.

ANNEX F

Provision is made in Article IV, paragraph 2, of the exchange of notes under the United States Mutual Defense Assistance Act of 1949, as follows:

“The Government of Italy will, except as otherwise agreed to, grant duty-free treatment and exemption from internal taxation upon importation or exportation to products, property, materials, or equipment imported into its territory in connection with this Agreement or any similar agreement between the United States of America and any other country receiving military assistance.”

In the course of discussions on the exchange of notes, representatives of the Government of the United States of America stated that in the event that the Government of Italy shall in the future furnish grant assistance to the Government of the United States of America, involving the delivery of materials and equipment to the United States, the Government of the United States of America, if so requested by the Government of Italy, and subject to legislative authorization, will, except as otherwise agreed to, grant duty-free treatment and exemption from internal taxation upon importation or exportation to such materials and equipment imported into its territory in connection with this Agreement.

ANNEX G

In recognition of the fact that personnel who are nationals of one country, including personnel temporarily assigned, will in their relations with the Government of the country to which they are assigned, operate as a part of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government of

such country, it is understood, in connection with Article V, paragraph 2 of the exchange of notes under the United States Mutual Defense Assistance Act of 1949, that the status of such personnel, considered as part of the Diplomatic Mission of such other Government, will be the same as the status of personnel of corresponding rank of that Diplomatic Mission who are nationals of that other country.

The personnel will be divided by the Government of the country assigning such personnel, into three categories:

1. Upon appropriate notification of the other, full, diplomatic status will be granted to the senior military member and the senior Army, Navy and Air Force officer assigned thereto, and to their respective immediate deputies.

2. The second category of personnel will enjoy privileges and immunities conferred by international custom, as recognized by each Government, to certain categories of personnel of the Embassy of the other, such as the immunity from civil and criminal jurisdiction of the host country, immunity of official papers from search and seizure, right of free egress, exemption from custom duties or similar taxes or restrictions in respect of personally owned property imported into the host country by such personnel for their personal use and consumption, without prejudice to the existing regulations on foreign exchange, exemption from internal taxation by the host country upon salaries of such personnel. Privileges and courtesies incident to diplomatic status such as diplomatic automobile license plates, inclusion on the "Diplomatic List", and social courtesies may be waived by both Governments for this category of personnel.

3. The third category of personnel will receive the same status as the clerical personnel of the Diplomatic Mission.

It is understood between the two Governments that the number of personnel in the three categories above will be kept as low as possible.

The status as described above will be substituted by such status for appropriate officials and agents of the countries parties to the North Atlantic Treaty as may be agreed by those countries.

ANNEX H

Provision is made in Article V of the exchange of notes under the United States Mutual Defense Assistance Act of 1949, as follows:

"Each Government agrees to receive personnel of the other Government who will discharge in its territory the responsibilities of the other Government under this Agreement and who will be accorded facilities to observe the progress of assistance furnished pursuant to this Agreement. Such personnel who are nationals of that other country, including personnel temporarily assigned, will, in their relations with the Government of the country to which they are assigned, operate as a part of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government of such country."

In the course of discussions on said article, representatives of the two Governments, have stated on behalf of their respective Governments that the facilities to be accorded shall be reasonable and not unduly burdensome upon the Government according such facilities.

ANNEX I

Whereas this Agreement having been negotiated and concluded on the basis that the Government of the United States of America will extend to the other party thereto the benefits of any provision in a similar agreement concluded by the Government of the United States of America with any other country party to the North Atlantic Treaty, it is understood that the Government of the United States of America will interpose no objection to amending this Agreement in order that it may conform, in whole or in part, to any other similar agreement, or agreements amendatory or supplementary thereto, concluded with a party to the North Atlantic Treaty.

I have the honor to propose that, if these understandings meet with the approval of the Government of Italy, the present note and your note concurring therein will be considered as confirming those understandings, effective on the date of your note and thereafter until one year after the receipt by either Government of a notification in writing of the intention of the other Government to terminate those understandings.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

Dean ACHESON

Secretary of State of the United States of America

His Excellency Signor Alberto Tarchiani
Ambassador of Italy

II

The Italian Ambassador to the Secretary of State

ITALIAN TEXT — TEXTE ITALIEN

AMBASCIATA D'ITALIA
WASHINGTON, D. C.

Signor Segretario di Stato,

Ho l'onore di accusare ricevuta della Nota di Vostra Eccellenza del 27 gennaio 1950, relativa alla fornitura di assistenza militare al Governo italiano, da parte del Governo degli Stati Uniti d'America, del seguente tenore:

I Governi d'Italia e degli Stati Uniti d'America:

Essendo parti del Trattato Nord Atlantico firmato a Washington il 4 aprile 1949;

Consci dei loro reciproci impegni ai sensi dell'articolo 3, separatamente e congiuntamente con gli altri firmatari, intesi al mantenimento e allo sviluppo della loro capacità individuale e collettiva a resistere ad attacchi armati, mediante un efficace e continuo sforzo singolo ed aiuto reciproco;

Desiderando promuovere la pace e la sicurezza internazionale nel quadro della Carta delle Nazioni Unite mediante provvedimenti atti ad aumentare la capacità delle Nazioni che si ispirano agli scopi e principi della Carta di parte-

TRANSLATION¹ — TRADUCTION²

EMBASSY OF ITALY
WASHINGTON, D.C.

Mr. Secretary of State:

I have the honor to acknowledge the receipt of Your Excellency's note of January 27, 1950, regarding the furnishing of military assistance to the Italian Government by the Government of the United States of America and reading as follows:

[See note I]

I have the honor to concur in the proposal made in Your Excellency's note and to inform you that the understandings set forth therein meet with the approval of the Government of Italy. That note and the present note, accordingly, are considered as confirming those understandings, which become effective on this date and shall remain in force until one year after the receipt by either Government of a notification in writing of the intention of the other Government to terminate those understandings.

Accept, Excellency, the assurances of my highest and most distinguished consideration.

Washington, D.C., January 27, 1950.

Alberto TARCHIANI

His Excellency Dean Acheson
Secretary of State
Washington, D. C.

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

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