

No. 1769

**UNITED STATES OF AMERICA
and
AUSTRALIA**

**Exchange of notes constituting an agreement relating to
mutual defense assistance. Washington, 1 and 20 Feb-
ruary 1951**

Official text: English.

Registered by the United States of America on 14 June 1952.

**ÉTATS-UNIS D'AMÉRIQUE
et
AUSTRALIE**

**Échange de notes constituant un accord relatif à l'aide
pour la défense mutuelle. Washington, 1^{er} et 20 février
1951**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 14 juin 1952.

No. 1769. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND AUSTRALIA RELATING TO MUTUAL DEFENSE ASSISTANCE. WASHINGTON, 1 AND 20 FEBRUARY 1951

I

The Secretary of State to the Australian Ambassador

DEPARTMENT OF STATE

WASHINGTON

Feb. 1, 1951

Excellency :

I have the honor to inform Your Excellency that Australia has been declared eligible to receive from the Government of the United States of America reimbursable military assistance under the provisions of Section 408 (e) of the Mutual Defense Assistance Act of 1949, (Public Law 329, 81st Congress),² as amended by Public Law 621, 81st Congress.³ The provisions of these laws and the policy of the United States Government require that certain assurances be received before completing any transactions under Section 408 (e) of the Act.

It is the understanding of the United States Government that the Government of Australia is prepared to accept the following undertakings :

1. The Government of Australia agrees to use any assistance furnished under the Mutual Defense Assistance Act of 1949, as amended, to further the policies and purposes of that Act which are 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 principles and purposes of the Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles. The Government of Australia further agrees to furnish equipment and materials, services, or other assistance, consistent with the Charter of the United Nations,

¹ Came into force on 20 February 1951 by the exchange of the said notes.

² United States of America : 63 Stat., Pt. 1, p. 720.

³ United States of America : 64 Stat., Pt. 1, p. 376.

to the United States or to and among other nations eligible for assistance under the Mutual Defense Assistance Act to further the policies and purposes of this Act, as set forth above, and as may be mutually agreed hereafter.

2. The Government of Australia assures the United States Government that such equipment, materials, or services as may be acquired from the United States under the provisions of Section 408 (e) of the Mutual Defense Assistance Act of 1949, as amended, are required for and will be used solely to maintain its internal security, its legitimate self-defense, or to permit it to participate in the defense of the area of which it is a part, and that it will not undertake any act of aggression against any other State.

3. The Government of Australia will not relinquish title to or possession of any equipment and materials, information or services furnished under Section 408 (e) of the Mutual Defense Assistance Act, as amended, without the consent of the United States Government.

4. The Government of Australia will protect the security of any article, service or information furnished under Section 408 (e) of the Mutual Defense Assistance Act, as amended.

5. The Government of Australia understands that, prior to the transfer of any item or the rendering of any service under this Act, the United States Government retains the right to terminate the transaction.

6. The Government of Australia is prepared to accept terms and conditions of payment for any item or service which may be furnished under this Act, which are in accord with the provisions of Section 408 (e) (2) of this Act.

Upon the receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Australia, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of your note in reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State :
H. FREEMAN MATTHEWS

His Excellency The Honorable Norman J. O. Makin
Ambassador of Australia

II

The Australian Ambassador to the Secretary of State

AUSTRALIAN EMBASSY

WASHINGTON, D.C.

No. 74/51.

20th February, 1951

Sir,

I have the honour to refer to your note of 1st February, 1951, concerning certain assurances and undertakings required from the Australian Government prior to the completion of the transactions between the Australian Government and the United States Government under the provisions of Section 408 (e) of the Mutual Defense Assistance Act, as amended.

The Government of Australia accepts the undertakings and assurances outlined in that note and concurs with your proposal that this note, together with your note dated 1st February, 1951, referred to above, constitute an agreement covering all transactions for the supply of military assistance under Section 408 (e) of the Mutual Defense Assistance Act, as amended, between the respective governments, the said agreement to enter into force on the date of this note.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

Norman MAKIN
Ambassador

The Honourable Dean Acheson
Secretary of State for the United States of America
Washington, D.C.
