

No. 2100

**UNITED STATES OF AMERICA
and
UNION OF SOUTH AFRICA**

**Exchange of notes constituting an agreement relating to
mutual defense assistance. Washington, 9 November
1951**

Official text: English.

Registered by the United States of America on 12 February 1953.

**ÉTATS-UNIS D'AMÉRIQUE
et
UNION SUD-AFRICAINE**

**Échange de notes constituant un accord relatif à l'aide
pour la défense mutuelle. Washington, 9 novembre
1951**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 12 février 1953.

No. 2100. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND UNION OF SOUTH AFRICA RELATING TO MUTUAL DEFENSE ASSISTANCE. WASHINGTON, 9 NOVEMBER 1951

I

The Acting Secretary of State to the South African Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON

November 9, 1951

Sir :

I have the honor to inform you that the Government of the Union of South Africa 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, as amended, (two copies of this Act, Public Law 329, 81st Congress,² and of Public Law 621, 81st Congress,³ amending this Act, and of Public Law 165, 82nd Congress,⁴ are enclosed herewith).⁵ 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 the Union of South Africa is prepared to accept the following undertakings :

1. The Government of the Union of South Africa 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

¹ Came into force on 9 November 1951, by the exchange of the said notes.

² United States of America : 63 Stat. 714.

³ United States of America : 64 Stat. 373.

⁴ United States of America : 65 Stat. 373.

⁵ Not printed by the Department of State of the United States of America.

principles and purposes. The Government of the Union of South Africa, in support of the foregoing principles and policies, will give sympathetic consideration to requests for equipment, materials, and services or other assistance, consistent with the Charter of the United Nations, to be furnished to the United States or to and among other nations eligible for assistance under the Mutual Defense Assistance Act.

2. The Government of the Union of South Africa is prepared to assure 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, or in United Nations collective security arrangements and measures, and that it will not undertake any act of aggression against any other state.

3. The Government of the Union of South Africa 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 the Union of South Africa will protect the security of any article, service or information furnished under Section 408 (e) of the Mutual Defense Assistance Act of 1949, as amended.

5. The Government of the Union of South Africa 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 the Union of South Africa is prepared to accept terms and conditions of payment for any item or service which may be furnished under the Mutual Defense Assistance Act of 1949, as amended, which are in accord with the provisions of Section 408 (e) (2) of this Act.

I have the honor to propose that this note, together with your reply confirming these assurances, constitute an agreement between the Government of the United States of America and the Government of the Union of South Africa, effective on the date of your note.

Accept, Sir, the renewed assurances of my high consideration.

Mr. B. J. Jarvie
Chargé d'Affaires ad interim
of the Union of South Africa

James E. WEBB
Acting Secretary

II

The South African Chargé d'Affaires ad interim to the Acting Secretary of State

EMBASSY OF THE UNION OF SOUTH AFRICA
AMBASSADE VAN DIE UNIE VAN SUID AFRIKA
WASHINGTON 8, D. C.

9th November, 1951

Sir,

I have the honour to acknowledge the receipt of your note of today's date and to express to you the appreciation of the Government of the Union of South Africa that it 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 Defence Assistance Act of 1949, as amended.

In that the provisions of the Mutual Defence Assistance Act of 1949, as amended, and the policy of the United States Government, require that certain assurances be given before completing any transactions under Section 408 (e) of the Act, I have been authorised to inform you that the Government of the Union of South Africa accepts the undertakings enumerated in your note, namely :—

[*See note I*]

I have the honour to confirm that your note together with this reply constitute an agreement between the Government of the Union of South Africa and the Government of the United States of America effective as from this date.

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

B. J. JARVIE
Chargé d'Affaires ad interim

The Honourable James E. Webb
Acting Secretary of State
Department of State
Washington, D. C.