

No. 2365

**UNITED STATES OF AMERICA
and
ITALY**

**Exchange of notes constituting an agreement relating to
mutual security. Rome, 7 January 1952**

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Official texts: English and Italian.

Registered by the United States of America on 14 November 1953.

**ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

**Échange de notes constituant un accord relatif à la sécurité
mutuelle. Rome, 7 janvier 1952**

Textes officiels anglais et italien.

Enregistré par les États-Unis d'Amérique le 14 novembre 1953.

No. 2365. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO MUTUAL SECURITY. ROME, 7 JANUARY 1952

I

The American Ambassador to the Italian Minister of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

F. O. No. 9069

Excellency :

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the Economic Cooperation Agreement between the United States of America and Italy signed at Rome on June 28, 1948, as heretofore amended,² to the Mutual Defense Assistance Agreement between our two Governments, signed at Washington on January 27, 1950,³ and to the enactment by the Congress of the United States of the Mutual Security Act of 1951, Public Law 165, 82nd Congress.⁴ I also have the honor to confirm the understandings reached as a result of these conversations, as follows :

The Government of Italy has expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948 as heretofore amended,⁵ including the statement of purpose contained in Section 2 of the Mutual Security Act of 1951, which recognizes the primary importance of strengthening the mutual security and individual and collective defenses of the free world, developing their resources in the interest of the security and independence and national interest of friendly countries and facilitating the effective participation of those countries in the United Nations system for collective security.

Whenever reference is made in any of the articles of such Economic Cooperation Agreement to the Economic Cooperation Act of 1948, or of such Mutual Defense Assistance Agreement to the Mutual Defense Assistance Act of 1949, as amended,⁶ such reference shall be construed as meaning the Economic Cooperation Act of 1948, or the Mutual Defense Assistance Act of 1949, respectively, as heretofore amended.

¹ Came into force on 7 January 1952 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 20, p. 43; Vol. 55, p. 318; Vol. 79, p. 274, and Vol. 141, p. 362.

³ United Nations, *Treaty Series*, Vol. 80, p. 145.

⁴ United States of America : 65 Stat. 373.

⁵ United States of America : 62 Stat. 137; 22 U.S.C. § 1501 *et seq.*

⁶ United States of America : 63 Stat. 714; 22 U.S.C. §§ 1571-1604.

1. The Government of Italy has confirmed that it has agreed to

a. join in promoting international understanding and good will, and maintaining world peace;

b. take such action as may be mutually agreed upon to eliminate causes of international tension;

c. fulfill the military obligations which it has assumed under multilateral or bilateral agreements or treaties to which the United States is a party;

d. make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources, facilities, and general economic conditions to the development and maintenance of its own defensive strength and the defensive strength of the free world;

e. take all reasonable measures which may be needed to develop its defense capacities; and

f. take appropriate steps to insure the effective utilization of the economic and military assistance provided by the United States.

2. The two Governments will establish procedures under which equipment and materials furnished by the Government of the United States under the Mutual Defense Assistance Act of 1949, as amended, or by either Government under the Mutual Defense Assistance Agreement of January 27, 1950, other than equipment or materials furnished under terms requiring reimbursement, and no longer required for the purposes for which originally made available will be offered for return to the Government which furnished such assistance for appropriate disposition.

3. Sums allocated to the use of the Government of the United States of America pursuant to paragraph 4 of Article IV of the Economic Cooperation Agreement may be used by the Government of the United States of America for its expenditures in any area.

4. It is understood that paragraph 6 of Article IV of the Economic Cooperation Agreement shall include expenditures for military production, construction, equipment and materiel and expenditures for the encouragement of emigration from participating countries having permanent surplus manpower to areas, particularly the underdeveloped and dependent areas, where such manpower can be effectively utilized.

5. In lieu of the date referred to in paragraph 7 of Article IV of the Economic Cooperation Agreement, the amount of unencumbered balances referred to in that paragraph shall be determined as of the date of the termination of the assistance program under this Agreement.

6. The two Governments, each within its own competence, will establish procedures whereby there will be so deposited or segregated or whereby title will be assured to all funds allocated to or derived from any program of assistance undertaken by the Government of the United States so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when in the opinion of the Government of the United States any such legal process would interfere with the attainment of the objectives of the program of assistance.

Upon receipt of a Note from your Government indicating that the foregoing provisions are acceptable to the Italian Government, 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 which shall enter into force on the date of your Note in reply.

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

James Clement DUNN
American Ambassador

Rome, January 7, 1952

His Excellency Alcide De Gasperi
Minister of Foreign Affairs of the Republic of Italy

II

The Italian Minister of Foreign Affairs to the American Ambassador

[ITALIAN TEXT — TEXTE ITALIEN]

IL MINISTRO DEGLI AFFARI ESTERI

N° 30/0046/1

Roma, 7 Gennaio 1952

Eccellenza,

con lettera in data odierna V. E. ha voluto comunicarmi quanto segue :

« Ho l'onore di riferirmi alle conversazioni che hanno avuto luogo recentemente tra i Rappresentanti dei nostri due Governi in merito all'Accordo di Cooperazione Economica fra gli Stati Uniti e l'Italia firmato a Roma il 28 giugno 1948 con gli emendamenti finora apportativi, all'Accordo di Reciproca Assistenza per la Difesa tra i nostri due Governi, firmato a Washington il 27 Gennaio 1950, e all'approvazione da parte del Congresso degli Stati Uniti della Legge sulla Reciproca Sicurezza del 1951—Legge pubblica 165, 82° Congresso.

Ho altresì l'onore di confermare come segue le intese raggiunte nel corso di tali conversazioni :

Il Governo Italiano ha espresso la sua adesione agli scopi e alle direttive della Legge sulla Cooperazione Economica del 1948 e susseguenti emendamenti, compresa la dichiarazione di intendimenti contenuta nella sezione 2 della Legge sulla Reciproca Sicurezza del 1951, che riconosce la primaria importanza di rafforzare la sicurezza reciproca e le difese, individuali e collettive, del mondo libero, sviluppando le risorse esistenti ai fini della sicurezza, dell'indipendenza e dell'interesse nazionale dei Paesi amici e facilitando la partecipazione effettiva di tali Paesi al sistema delle Nazioni Unite per le sicurezza collettiva.

Ogni qualvolta si fa riferimento in qualsiasi articolo di tale Accordo di Cooperazione Economica alla Legge sulla Cooperazione Economica del 1948 e in qualsiasi articolo

legale da parte di qualsivoglia persona, ditta, ente, società, organizzazione o governo, quando, ad avviso del Governo degli Stati Uniti, un simile procedimento legale interferirebbe con il raggiungimento degli obiettivi del programma di assistenza.

Appena in possesso di una Nota del Vostro Governo indicante che le disposizioni di cui sopra sono accettabili da parte del Governo Italiano, il Governo degli Stati Uniti d'America considererà che la presente Nota e la Vostra risposta costituiranno un Accordo fra i due Governi in questa materia, Accordo che andrà in vigore alla data della Vostra Nota di risposta ».

Ho l'onore d'informarLa che il Governo Italiano è d'accordo su quanto precede.

Mi è grata l'occasione, Signor Ambasciatore, per rinnovarLe l'espressione della mia più alta considerazione.

DE GASPERI

Sua Eccellenza James Clement Dunn
Ambasciatore degli Stati Uniti d'America
Roma

[TRANSLATION¹ — TRADUCTION²]

MINISTER OF FOREIGN AFFAIRS

No. 30/0046/1

Rome, January 7, 1952

Excellency,

In a letter dated today, Your Excellency was good enough to inform me as follows :

[*See note I*]

I have the honor to inform you that the Italian Government agrees to the foregoing.

It is a pleasure, Mr. Ambassador, to renew to you the assurance of my highest consideration.

DE GASPERI

His Excellency James Clement Dunn
Ambassador of the United States of America
Rome

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

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