

No. 2389

**UNITED STATES OF AMERICA
and
PORTUGAL**

Exchange of notes constituting an agreement relating to the disposition of surplus mutual defense assistance equipment and material. Lisbon, 16 June and 9 July 1952

Official texts: English and Portuguese.

Registered by the United States of America on 28 November 1953.

**ÉTATS-UNIS D'AMÉRIQUE
et
PORTUGAL**

Échange de notes constituant un accord relatif à la liquidation de l'équipement et du matériel en surplus fournis en vertu du programme d'aide pour la défense mutuelle. Lisbonne, 16 juin et 9 juillet 1952

Textes officiels anglais et portugais.

Enregistré par les États-Unis d'Amérique le 28 novembre 1953.

No. 2389. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND PORTUGAL RELATING TO THE DISPOSITION OF SURPLUS MUTUAL DEFENSE ASSISTANCE EQUIPMENT AND MATERIAL. LISBON, 16 JUNE AND 9 JULY 1952

I

The American Ambassador to the Portuguese Minister of Foreign Affairs

AMERICAN EMBASSY

No. 1

Lisbon, June 16, 1952

Excellency :

I have the honor to refer to conversations between the Embassy and the Ministry of Foreign Affairs, adverting to the disposition of equipment and material furnished Portugal by the Government of the United States of America under the Mutual Defense Assistance Agreement of January 5, 1951,² which the Government of Portugal shall have determined is surplus to the needs of the armed forces of Portugal.

The Government of the United States proposes the following arrangement under the Mutual Defense Assistance Agreement between the two Governments dated January 5, 1951, respecting the disposition of equipment and material furnished by the United States under the Mutual Defense Assistance Act³ found surplus to the needs of the armed forces of Portugal.

1. The Government of Portugal will report to the United States Military Assistance Advisory Group such equipment and material furnished under end-item programs as are no longer required in the furtherance of the Mutual Defense Assistance Program.

2. The United States Government may accept title to such equipment and material for transfer to a third country or for such other disposition as may be made by the United States Government.

3. When title is accepted by the United States Government, such equipment and material will be delivered free alongside ship in case ocean shipment

¹ Came into force on 9 July 1952 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 133, p. 75.

³ United States of America : 63 Stat. 714.

is required, or delivered free on board inland carrier at a shipping point designated by the Military Assistance Advisory Group in the event ocean shipping is not required.

4. Such property reported no longer required in the Mutual Defense Assistance Program of the Government of Portugal and not accepted by the Government of the United States for redistribution or return will be disposed of as agreed between the Governments of Portugal and the United States.

5. Any salvage and scrap containing appreciable quantities of recoverable strategic or critical material, as indicated on a Mutual Defense Program Salvage List to be communicated to the Government of Portugal from time to time by the United States, shall become the property of the United States for disposition. Other salvage and scrap, when disposed of by Portugal will be used to support the defense effort of Portugal or other countries to whom military assistance is being furnished by the United States.

The Government of the United States proposes that operating details be determined between the Portuguese Ministry of Defense and the United States Military Assistance Advisory Group in Portugal.

Should the Government of Portugal accept this proposal, it is suggested that a Note of reply so indicating, together with this Note, shall constitute formal agreement and that the effective date thereof would be that of Your Excellency's Note.

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

Cavendish W. CANNON

His Excellency Dr. Paulo Cunha
Minister of Foreign Affairs
Lisbon

II

The Portuguese Minister of Foreign Affairs to the American Ambassador

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
SERVIÇO DO PACTO DO ATLÂNTICO NORTE

Lisboa, 9 de Julho de 1952

Senhor Embaixador

Tenho a honra de acusar a recepção da Nota de Vossa Excelência, de 16 de Junho findo—relativa ao destino do equipamento e material, fornecido a Portugal pelo Governo dos Estados Unidos da América, nos termos do Acordo

Tenho a honra de informar Vossa Excelência de que o Governo Português concorda com as propostas contidas na Nota de Vossa Excelência e considerará essa Nota e a presente resposta como constituindo um acordo entre os nossos dois Governos nesta matéria.

Aproveito o ensejo para reiterar a Vossa Excelência, Senhor Embaixador, os protestos da minha mais alta consideração.

Paulo CUNHA

Sua Excelência O Senhor Cavendish Wells Cannon
Embaixador dos Estados Unidos da América
etc., etc., etc.

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
NORTH ATLANTIC TREATY SERVICE

Lisbon, July 9, 1952

Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's note of June 16 last, relating to the disposition of the equipment and material furnished Portugal by the Government of the United States of America under the Mutual Assistance Agreement of January 5, 1951, which the Government of Portugal shall have considered unnecessary to the Portuguese armed forces, the said note reading as follows :

[*See note I*]

I have the honor to inform Your Excellency that the Portuguese Government agrees to the proposals contained in Your Excellency's note and will consider that note and this reply as constituting an agreement between our two Governments in this matter.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

Paulo CUNHA

His Excellency Cavendish Wells Cannon
Ambassador of the United States of America
etc., etc., etc.

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

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

III

The Portuguese Minister of Foreign Affairs to the American Ambassador

[PORTUGUESE TEXT - TEXTE PORTUGAIS]

[TRANSLATION¹ — TRADUCTION²]

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
SERVIÇO DO PACTO DO ATLÂNTICO NORTE

MINISTRY OF FOREIGN AFFAIRS
NORTH ATLANTIC TREATY SERVICE

Lisboa, 9 de Julho de 1952

Lisbon, July 9, 1952

Senhor Embaixador :

Mr. Ambassador :

Com referência ao Acordo por troca de Notas, que hoje ficou concluído, acerca do equipamento e material fornecido pelos Estados Unidos nos termos do « Mutual Defense Assistance Act » e posteriormente considerado desnecessário às forças armadas portuguesas, tenho a honra de comunicar a Vossa Excelência que deve entender-se que o citado Acordo se aplica apenas ao equipamento e material fornecido a Portugal sem encargos até ao momento da entrega.

With reference to the Agreement by exchange of notes, concluded today, concerning the equipment and material furnished by the United States under the Mutual Defense Assistance Act and subsequently considered unnecessary to the Portuguese armed forces, I have the honor to inform Your Excellency that it should be understood that the aforesaid Agreement applies only to equipment and material furnished Portugal free of charge up to the time of delivery.

Aproveito o ensejo para apresentar a Vossa Excelência, Senhor Embaixador, os protestos da minha mais alta consideração.

I avail myself of the opportunity to convey to Your Excellency the assurances of my highest consideration.

Paulo CUNHA

Paulo CUNHA

Sua Excelência

His Excellency

O Senhor Cavendish Wells Cannon
Embaixador dos Estados Unidos da América
etc., etc., etc.

Cavendish Wells Cannon
Ambassador of the United States of America
etc., etc., etc.

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

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

IV

The American Ambassador to the Portuguese Minister of Foreign Affairs

AMERICAN EMBASSY

No. 38

Lisbon, July 9, 1952

Excellency :

I have the honor to acknowledge Your Excellency's note of July 9, 1952, with reference to the agreement reached today by an exchange of notes concerning materiel and equipment furnished by the United States of America in accordance with the Mutual Defense Assistance Act and subsequently deemed surplus by the Government of Portugal to the needs of the Portuguese Armed Forces, in which there is stated Your Excellency's understanding that this agreement has reference solely to materiel furnished Portugal without charges up to the moment of delivery.

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

Cavendish W. CANNON

His Excellency Dr. Paulo Cunha
Minister of Foreign Affairs
Lisbon
