

No. 2577

**UNITED STATES OF AMERICA
and
ETHIOPIA**

**Agreement concerning the utilization of defense installations
within the Empire of Ethiopia. Signed at Washington,
on 22 May 1953**

Official text: English.

Registered by the United States of America on 28 May 1954.

**ÉTATS-UNIS D'AMÉRIQUE
et
ÉTHIOPIE**

**Accord relatif à l'utilisation d'installations de défense dans
l'Empire éthiopien. Signé à Washington, le 22 mai 1953**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 28 mai 1954.

No. 2577. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE IMPERIAL ETHIOPIAN GOVERNMENT CONCERNING THE UTILIZATION OF DEFENSE INSTALLATIONS WITHIN THE EMPIRE OF ETHIOPIA. SIGNED AT WASHINGTON, ON 22 MAY 1953

The Government of the United States of America and the Imperial Ethiopian Government,

Taking into account the close, friendly relations existing between the two Governments and the presence in the Empire of Ethiopia of certain United States installations;

Desiring to contribute to the maintenance of international peace and security in accordance with the principles of the Charter of the United Nations;

Being of the opinion that the development of certain installations and facilities within the Empire of Ethiopia would promote this objective;

Agree as follows :

Article I

The Imperial Ethiopian Government grants to the Government of the United States the right to continued occupancy and use, in accordance with the terms and conditions specified in this Agreement, of those military facilities and installations presently maintained by the Government of the United States within the Empire of Ethiopia. Both Governments agree, upon the request of either, promptly to negotiate for the transformation, extension or elimination of any existing military facilities and installations, and for the occupancy and use of such additional military facilities and installations within the Empire of Ethiopia as may in the future be deemed essential, and to conclude any agreements so reached by exchanges of notes. All rights, powers and authority granted to the Government of the United States under this Agreement shall apply with respect to such additional military facilities and installations. All military facilities and installations covered by this Article are hereinafter referred to as the "Installations", and the Empire of Ethiopia is hereinafter referred to as "Ethiopia".

Article II

The Imperial Ethiopian Government grants to the Government of the United States such rights, powers and authority within the Installations as are

¹ Came into force on 22 May 1953, upon signature, in accordance with article XXV.

necessary for the establishment, control, use and operation of the Installations for military purposes. Such rights shall not include the right, power or authority to transfer or assign the Installations in whole or in part to, or to place them in whole or in part at the disposition of, any third state, government or military force.

Article III

The rights, powers and authority granted to the Government of the United States by virtue of the provisions of Articles I and II of the present Agreement shall include, *inter alia*, the right, power and authority, without contribution in personnel or funds by the Imperial Ethiopian Government except in regard to the acquisition of land and other arrangements as provided in paragraph 1 of Article VII, to :

- a. Improve and generally fit the Installations for military uses.
- b. Construct, install, improve and maintain personnel housing, warehouses, shops, taxiways, runways, navigational aids, parking aprons, storage and distribution facilities for gasoline and other petroleum supplies, and any type of building, structure, facility or improvement deemed necessary by the Government of the United States.
- c. Establish, maintain and operate communications facilities and meteorological and navigational aids, including radio and radar transmitting and receiving equipment, submarine and subterranean cables and such other electronic devices as may be required for the Government of the United States.
- d. Provide for internal security of the Installations.
- e. Install, store and employ within the Installations such weapons, devices, substances or ammunition as are deemed necessary by the Government of the United States to fulfill the purposes of this Agreement.

Article IV

1. For the support of United States operations under this Agreement and for the control of the Installations, the Imperial Ethiopian Government grants to the United States forces the right, subject to the provisions of Article XIV, of free and unrestricted access to, movement through and egress from Ethiopia, including inland and territorial waters and air spaces adjacent to or in the vicinity of the Installations. This right shall include the right of free and unrestricted access to and egress from the Installations, and ships in the service of the Government of the United States shall be free from all compulsory pilotage and toll charges.

2. Likewise for the support of United States operations under this Agreement and for the control of the Installations, the Imperial Ethiopian Government grants to the United States forces the right, power and authority to :

a. Take such measures within the limits of the territorial jurisdiction of Ethiopia, including inland and territorial waters adjacent to or in the vicinity of the Installations, as the two Governments may agree are necessary for providing free access thereto or egress therefrom or for the use, operation and control thereof.

b. Take, in agreement with the Imperial Ethiopian Government, such measures within the air spaces adjacent to or in the vicinity of the Installations as the Government of the United States may deem necessary.

c. Control all aircraft and air traffic entering or leaving any aviation facility established by the Government of the United States in accordance with the provisions of Articles I, II or III of this Agreement.

d. Control all ships and waterborne craft arriving at or leaving any Installation established by the Government of the United States in accordance with the provisions of Articles I, II or III of this Agreement.

e. Improve and deepen, subject to agreement by the Imperial Ethiopian Government, harbors, channels, entrances and anchorages, as deemed necessary by the Government of the United States in connection with operations under this Agreement.

f. Construct, subject to agreement by the appropriate authorities of Ethiopia, wells, water catchment areas or dams to assure an ample supply of water for all operations.

g. Construct, subject to agreement by the Imperial Ethiopian Government, such rights-of-way as may be required for support of United States operations and to maintain and operate them. Roads constructed according to this provision may be utilized by the public, subject to appropriate regulations. The Government of the United States agrees to pay a reasonable proportion of the costs of maintaining such other rights-of-way as may be utilized by the United States forces.

h. Take such other measures as may from time to time be agreed upon by the two Governments for the use, operation and control of the Installations and for free access thereto and egress therefrom by the United States forces.

Article V

The United States authorities may, in cooperation with appropriate local authorities, take such steps as may be mutually agreed upon to protect the health

of the United States forces, including quarantine, health and sanitary inspection, and measures for combating incidence of disease among the United States forces.

Article VI

The Imperial Ethiopian Government grants to the Government of the United States the right to employ and use public and commercial utilities, services, transportation and communication facilities in Ethiopia in connection with operations under this Agreement. The Government of the United States shall pay for any employment or usage of such facilities at the most favorable rates obtained by other public users who employ and use such facilities.

Article VII

1. The Imperial Ethiopian Government will when necessary make all acquisitions of land and other arrangements to permit access to, and occupancy and use of, the Installations in accordance with this Agreement, and the Government of the United States shall not be obliged to compensate the Imperial Ethiopian Government or any national of Ethiopia or other person for such acquisition or arrangements to permit such access, occupancy and use. However, the Government of the United States agrees to pay to the Imperial Ethiopian Government for such periods as may be agreed upon annual equitable rentals for the use of the Installations together with the buildings and facilities thereon. The two Governments agree that, once the equitable annual rental for an agreed Installation has been determined, the amount of the rental for such agreed Installation shall not be changed for the duration of this Agreement without the consent of both Governments.

2. The Government of the United States may lease individual buildings or parts of buildings, or small pieces of property directly from private owners if such buildings or property are required in connection with the occupancy and use of an Installation. Such a building or property shall not be included among the properties for which an annual rental is paid by the Government of the United States to the Imperial Ethiopian Government under paragraph 1 above.

3. All property constructed, installed, brought into or purchased in Ethiopia under or prior to the present Agreement by the Government of the United States for the United States forces shall remain its property and may be removed from or disposed of in Ethiopia free of any restrictions or any claims which may arise by virtue of such removal or disposal, except that such property may not be disposed of in Ethiopia without offering the Imperial Ethiopian Government the first opportunity for purchasing same. If the Imperial Ethiopian Government declines to purchase such property, the Government

of the United States shall report to the Imperial Ethiopian Government the sale thereof to other purchasers by name and item. Property determined by the Government of the United States to be not susceptible to removal shall remain in Ethiopia. At such time as the Government of the United States may declare that it has no further use for any of this property, the two Governments shall establish a joint commission to determine the basis for the disposition of such non-removable property.

4. Subject to the provisions of paragraph 3 of Article XIX, the Government of the United States is not obliged to turn over the Installations to the Imperial Ethiopian Government at the expiration of this Agreement in the condition in which they were at the time of their occupation by the Government of the United States.

Article VIII

The Government of the United States, in agreement with the Imperial Ethiopian Government, may make topographic, hydrographic, coast and geodetic surveys and aerial photographs of any part of Ethiopia and waters adjacent thereto. Copies, with title and triangulation data, of any such survey or photographic maps made of Ethiopia shall be furnished to the Imperial Ethiopian Government.

Article IX

The Government of the United States, in agreement with the Imperial Ethiopian Government, may make engineering and other technical surveys in any part of Ethiopia and waters adjacent thereto.

Article X

The Imperial Ethiopian Government grants the following privileges to the Government of the United States :

a. The right to fly United States Government aircraft over the territory of Ethiopia on the basis of customary flight plans.

b. The right to use airfields in Ethiopia as may be jointly designated by the two Governments.

c. The right to use any airfield in Ethiopia in emergency and in the performance of air rescue missions. In performance of air rescue missions, the Government of the United States may employ land vehicles and crash boats to the extent necessary for such rescue operations.

Article XI

The Government of the United States, in agreement with the appropriate authorities designated by the Imperial Ethiopian Government, may engage in appropriate activities outside the Installations for the military and technical training of its personnel.

Article XII

The Government of the United States may establish, maintain and operate United States Post Offices in the Installations for the exclusive use of the United States forces for transmission of mail to and from the United States and other United States Post Offices.

Article XIII

The Government of the United States may establish, maintain and operate facilities and concessions within the Installations, such as sales commissaries, military service exchanges, messes and social clubs for the health, recreation and well-being of the United States forces and other authorized personnel, and the same shall be free of all taxes, licences, excises, imposts, charges and inspections. Administrative measures shall be taken by the United States authorities to prevent the disposal or resale of goods which are handled under the provisions of this Article to persons not entitled to possess such goods, and, generally, to prevent abuse of the privileges granted under this Article.

Article XIV

1. The Government of the United States may bring into or take out of Ethiopia members of the United States forces in connection with operations under this Agreement. No Ethiopian national or person ordinarily resident in Ethiopia shall be permitted to depart from Ethiopia under the provisions of this Article without prior notification to and approval by the Imperial Ethiopian Government, except such persons who are spouses or children of United States nationals, in which cases, prior notification only shall be required.

2. Passport and visa requirements shall not be applicable to military members of the United States forces, but all members of the United States forces shall be furnished with appropriate identification which shall be produced, upon demand, to the appropriate authorities of the Imperial Ethiopian Govern-

ment. The identification shall include a card, signed and supplied by the Imperial Ethiopian Government for distribution by the United States authorities to members of the United States forces.

3. If the status of any member of the United States forces brought into Ethiopia under this Agreement shall be so altered that he would no longer be entitled to such admission, the Government of the United States shall so notify the Imperial Ethiopian Government and shall, if such person be required by the Imperial Ethiopian Government to leave the country, be responsible for providing him with passage from Ethiopia within a reasonable time and shall, in the meantime, prevent his becoming a public responsibility of the Imperial Ethiopian Government.

4. The Government of the United States will inform the Imperial Ethiopian Government monthly of the numbers of United States forces in Ethiopia.

Article XV

1. Motor vehicles brought into or procured in Ethiopia by the United States forces shall not be prevented from using roads in Ethiopia by reason of noncompliance with any laws relating to the construction of motor vehicles or governing the type of motor vehicles authorized to use the roads.

2. The Imperial Ethiopian Government agrees to accept as valid, without driving tests or fees, the driving permit or license or military driving permit issued by the Government of the United States or a subdivision thereof to a member of the United States forces.

3. Motor vehicles brought into or procured in Ethiopia by the United States forces shall not be subject to taxes or fees relating to the registering or licensing of the same for use in Ethiopia. Such vehicles shall bear distinctive tags or markings issued by appropriate United States authorities.

4. The United States authorities will issue appropriate instructions to members of the United States forces fully informing them of Ethiopian traffic laws and regulations and will require strict compliance therewith.

Article XVI

The Government of the United States may contract for any construction work in Ethiopia, authorized in accordance with this Agreement, without restriction as to choice of contractor. So far as may be practicable, local labor and materials will be utilized in such construction work.

Article XVII

1. Members of the United States forces shall respect the laws of Ethiopia and abstain from any activities inconsistent with the spirit of this Agreement. The Government of the United States shall take appropriate measures to this end.

2. The United States military authorities shall have the right to exercise within Ethiopia all jurisdiction and control over United States forces conferred on the United States military authorities by the laws and regulations of the United States, except as limited by this Article.

3. Members of the United States forces shall be immune from the criminal jurisdiction of Ethiopian courts, and, in matters arising from the performance of their official duties, from the civil jurisdiction of Ethiopian courts, provided that, in particular cases, the United States authorities may waive such immunity. In all other cases, Ethiopian courts shall have jurisdiction.

4. Whenever United States authorities exercise jurisdiction or control pursuant to paragraph 2 of this Article, the judicial proceedings shall be conducted within the Installations or outside of Ethiopia. In such cases the appropriate authorities of the Imperial Ethiopian Government shall, upon request, assist in the collection of evidence and in the carrying out of all necessary investigations. Necessary arrangements will be made by the appropriate authorities of Ethiopia to secure the presence of Ethiopian nationals and other persons in Ethiopia (except members of the United States forces) as witnesses for official investigations and for military tribunals, and, in appropriate cases, to seize and hand over evidence, exhibits and objects connected with the offense. The United States authorities shall, in like manner, carry out the collection of evidence from members of the United States forces and assist the Ethiopian authorities in the case of an offense to be tried in the Ethiopian courts.

5. Ethiopian authorities may arrest members of the United States forces outside the Installations for the commission or attempted commission of an offense, but, in the event of such an arrest, the member or members shall be immediately turned over to the United States authorities. Except for Ethiopian nationals and other persons normally resident in Ethiopia, any person fleeing from the jurisdiction of the United States forces and found in any place outside the Installations may, on request, be arrested by the Ethiopian authorities and turned over to the United States authorities.

6. The United States authorities shall deliver to the Ethiopian authorities for trial and punishment all Ethiopian nationals and other persons normally resident in Ethiopia who have been charged by the Ethiopian or the United States authorities with having committed offenses within the limits of the Installations.

7. The Government of the United States shall have the right to police the Installations and to take all appropriate measures to assure the maintenance of discipline, order and security in such Installations.

8. Outside the Installations, members of the United States forces may be employed for police duties by arrangement with the appropriate authorities of the Imperial Ethiopian Government insofar as such employment is necessary to maintain discipline and order among the United States forces. In such cases, Ethiopian security forces with whom members of the United States forces may be serving on police duty shall have paramount authority with respect to the person or property of persons subject to Ethiopian jurisdiction.

9. Each Government undertakes that persons subject to the jurisdiction of its courts who commit contempt or perjury in connection with courts-martial proceedings or proceedings of other military tribunals, shall be subjected to appropriate punitive action by its courts.

10. The Imperial Ethiopian Government undertakes to establish such measures of control or zones of access adjacent to such Installations as may, from time to time, in the opinion of the two Governments be essential for maintenance of the internal and external security of the Installations as well as the sanitation and health conditions of those Installations.

Article XVIII

1. The Imperial Ethiopian Government grants to the Government of the United States and its contractors exemption from the customs laws and regulations of Ethiopia, including those relating to inspection and seizure, and from customs duties, taxes or any other charges imposed on materials, equipment, goods and supplies brought into, procured in, or taken out of Ethiopia and used in the construction, maintenance, support or operation of the Installations. A similar exemption is granted to members of the United States forces on personal effects, including household goods, privately-owned automobiles and furniture brought into or taken out of Ethiopia by such members for their personal use. Such property introduced into Ethiopia shall not be disposed of to other than members of the United States forces except after payment of customs duties and charges. The Government of the United States will cooperate with the Imperial Ethiopian Government to prevent or correct any abuse of the exemptions granted herein and to this end will take appropriate action on the basis of information available to it or provided by the Imperial Ethiopian Government. In particular, the Government of the United States will adopt, in agreement with the Imperial Ethiopian Government, measures to prevent black market operations.

2. The temporary presence in Ethiopia of members of the United States forces shall constitute neither residence nor domicile therein and shall not, of itself, subject them to taxation in Ethiopia, either on their income or their property, the presence of which in Ethiopia is due to their temporary residence there, nor, in the event of the death of any such member, shall his estate be subject to a levy of death duties.

3. No national of the United States ordinarily resident in the United States or corporation organized under the various corporation laws of the United States shall be liable to pay any tax in Ethiopia in respect to any income derived under the contracts connected with the operation, construction or maintenance by the Government of the United States of any Installation under this Agreement or any tax in the nature of a license in respect to any service or work for the Government of the United States in connection with operations, construction or maintenance of any Installation under this Agreement.

Article XIX

1. Subject to the provisions of subparagraph g of Article IV, each Government waives all its claims against the other for damage to any property in Ethiopian territory owned or controlled by it if such damage (1) was caused by a member of the United States forces or by a member of the armed forces or an employee of the Imperial Ethiopian Government while engaged in the performance of his official duties, or (2) arose from the use of any vehicle, vessel or aircraft owned or controlled by the other Government. Each Government waives claims for maritime or aircraft salvage against the other provided that the vessel or aircraft or cargo salvaged was owned by the other Government or being used by the United States forces or by the armed forces or an employee of the Imperial Ethiopian Government at the time the incident occurred.

2. Each Government waives all its claims against the other for injury or death suffered by any member of the United States forces or by any member of the armed forces or any employee of the Imperial Ethiopian Government, while such member or employee was engaged in the performance of his official duties.

3. The Government of the United States agrees to pay just and reasonable compensation in settlement of all claims cognizable under United States foreign claims laws of inhabitants of Ethiopia for damage to, loss or destruction of property, or for injury or death, caused by members of the United States forces. All such claims will be processed and paid in accordance with the applicable provisions of the laws of the United States.

Article XX

Special arrangements shall be entered into between appropriate authorities of the Imperial Ethiopian Government and the Government of the United States to obviate the use of United States currency in paying personnel and to permit United States forces to acquire Ethiopian currency at the most favorable official rates of exchange. Local currency shall be obtained only from the State Bank of Ethiopia in exchange for United States dollars used to meet regularly recurring local administrative and operating expenses of the Installations.

Article XXI

Members of the United States forces shall be permitted to carry arms as required in the performance of their official duties, but no sporting or hunting arms shall be carried outside the limits of the Installations except in accordance with Ethiopian laws.

Article XXII

1. Members of the United States forces may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as Ethiopian nationals.

2. The Government of the United States may purchase locally goods required for the subsistence of the United States forces and it shall be the policy of the Government of the United States to purchase such goods locally, if they are available and of the standard required by the United States authorities. In order to avoid any such purchase having an adverse effect upon the Ethiopian economy, the appropriate authorities of the Imperial Ethiopian Government will indicate, when necessary, any article the purchase of which should be restricted or forbidden. Such Ethiopian authorities, at the request of the United States authorities, will aid and assist in the placement of such orders.

Article XXIII

The Government of the United States, its agents and its contractors may employ civilian personnel at the Installations, and at such other places as may be mutually agreed upon, to the extent necessary to perform the functions contemplated under this Agreement. Civilian personnel shall be nationals of the United States or of Ethiopia, or the subjects of a third state friendly to both who are not personally objectionable to the Imperial Ethiopian Government.

Article XXIV

The term "United States forces" includes members of the armed forces of the United States (including dependents of all such members) and persons accompanying, serving with, or employed by said armed forces (including dependents of all such persons) who are subject to the military laws of the United States, but excluding indigenous Ethiopian nationals and other persons ordinarily resident in Ethiopian territory provided that such nationals or other persons are not dependents of members of the United States forces.

Article XXV

This Agreement shall enter into force upon the date of signature and shall remain in force for twenty-five years and thereafter until one year from the date on which either Government shall give notice to the other of its intention to terminate this Agreement.

IN WITNESS WHEREOF, the undersigned duly authorized representatives of the Government of the United States and the Imperial Ethiopian Government have signed this Agreement.

DONE in duplicate at Washington this twenty-second day of May, 1953.

For the Government of the United States of America :
(Signed) Walter Bedell SMITH

For the Imperial Ethiopian Government :
(Signed) AKLILOU