

No. 2799

**UNITED STATES OF AMERICA
and
PORTUGAL**

**Exchange of notes constituting an agreement relating to
assurances under the Mutual Security Act of 1951.
Lisbon, 8 January 1952**

Official texts: English and Portuguese.

Registered by the United States of America on 4 March 1955.

**ÉTATS-UNIS D'AMÉRIQUE
et
PORTUGAL**

**Échange de notes constituant un accord relatif aux assurances
à fournir en vertu de la loi de 1951 sur la sécurité
mutuelle. Signé à Lisbonne, le 8 janvier 1952**

Textes officiels anglais et portugais.

Enregistré par les États-Unis d'Amérique le 4 mars 1955.

No. 2799. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND PORTUGAL RELATING TO ASSURANCES UNDER THE MUTUAL SECURITY ACT OF 1951. LISBON, 8 JANUARY 1952

I

The American Ambassador to the Portuguese Minister of Foreign Affairs

AMERICAN EMBASSY

No. 283

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 Portugal signed at Lisbon on September 28, 1948,² as heretofore amended,³ to the Mutual Defense Assistance Agreement between our two Governments, signed at Lisbon on January 5, 1951,⁴ and to the enactment by the Congress of the United States of the Mutual Security Act of 1951, Public Law 165, 82nd Congress.⁵ I also have the honor to confirm the understandings reached as a result of these conversations, as follows :

The Government of Portugal has expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948 as heretofore amended,⁶ 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,⁷ 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 8 January 1952 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 29, p. 213.

³ United Nations, *Treaty Series*, Vol. 79, p. 310 ; Vol. 134, p. 370, and p. 320 of this volume.

⁴ United Nations, *Treaty Series*, Vol. 133, p. 75.

⁵ United States of America : 65 Stat. 373.

⁶ United States of America : 62 Stat. 137 ; 22 U.S.C. § 1501 *et seq.*

⁷ United States of America : 63 Stat. 714 ; 22 U.S.C. §§ 1571-1604.

1. The Government of Portugal hereby confirms 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 5, 1951, 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. Paragraph 6 of article IV of the Economic Cooperation Agreement shall include expenditures for military production, construction, equipment and material. It shall also include expenditures for the encouragement of emigration from participating countries having permanent surplus manpower to areas, particularly the undeveloped 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 will establish procedures whereby the Government of Portugal will so deposit, segregate, or assure title 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 the Government of Portugal is advised by the Government of the United States that 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 Portuguese 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.

Accept, Excellency, the assurances of my highest consideration,

Lincoln MACVEAGH

Lisbon, January 8, 1952
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]

[TRANSLATION¹ — TRADUCTION²]

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS

MINISTRY OF FOREIGN AFFAIRS

DIRECÇÃO GERAL DOS NEGÓCIOS
ECONÓMICOS E CONSULARES

OFFICE OF ECONOMIC AND
CONSULAR AFFAIRS

Lisboa, 8 de Janeiro de 1952

Lisbon, January 8, 1952

Excelência

Excellency :

Tenho a honra de me referir à Nota de V. Ex^a. Nº. 283, de 8 de Janeiro de 1952, contendo os entendimentos a que chegaram os representantes dos nossos dois Governos, relativos ao Acordo de Cooperação Económica entre os Estados Unidos da América e Portugal, assinado em Lisboa a 28 de Setembro de 1948, com as emendas nele até hoje introduzidas, ao Acordo de Auxílio Mútuo para a Defesa, entre os nossos dois Governos, assinado em Lisboa a 5 de Janeiro de 1951, e à aprovação pelo Congresso dos Estados Unidos do "Mutual Security Act of 1951, Public Law 165, 82nd Congress".

I have the honor to refer to Your Excellency's note No. 283 of January 8, 1952, containing the understandings reached by the representatives of our two Governments relative to the Economic Cooperation Agreement between the United States of America and Portugal signed at Lisbon on September 28, 1948, as heretofore amended, the Mutual Defense Assistance Agreement between our two Governments signed at Lisbon on January 5, 1951, and the approval by the Congress of the United States of the Mutual Security Act of 1951, Public Law 165, 82d Congress.

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

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