

**No. 3348**

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**UNITED STATES OF AMERICA  
and  
PORTUGAL**

**Defense Agreement. Signed at Lisbon, on 6 September 1951**

*Official texts: English and Portuguese.*

*Registered by the United States of America on 3 May 1956.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
PORTUGAL**

**Accord de défense. Signé à Lisbonne, le 6 septembre 1951**

*Textes officiels anglais et portugais.*

*Enregistré par les États-Unis d'Amérique le 3 mai 1956.*

No. 3348. DEFENSE AGREEMENT<sup>1</sup> BETWEEN PORTUGAL AND THE UNITED STATES OF AMERICA. SIGNED AT LISBON, ON 6 SEPTEMBER 1951

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The Portuguese Government and the Government of the United States of America :

Having in mind the doctrine and obligations arising from Articles 3 and 5 of the North Atlantic Treaty signed in Washington April 4, 1949 ;<sup>2</sup>

Resolved, in accordance with the preamble of that Treaty, to unite their efforts for the common defense and for the preservation of peace and security ;

Considering the necessity of executing in peacetime the measures of military preparation necessary to the common defense, in conformity with plans approved by the nations signatory to the referred to Treaty ;

Taking into consideration that according to the provisions adopted in the North Atlantic Treaty Organization, the area of the Azores directly interests Portugal and the United States and that between them they must establish agreements for the determination and utilization of the facilities which it is possible for the first of the mentioned Governments to grant in those islands ;

Agree as follows :

*Article 1*

The Portuguese Government grants to the Government of the United States in case of war in which they are involved during the life of the North Atlantic Treaty and within the framework and by virtue of the responsibilities assumed thereunder the use of facilities in the Azores which will be provided for in technical arrangements to be concluded by the Ministers of Defense of the two Governments.

Wherever reference is made in the text of this Agreement to technical arrangements, it is understood that such reference has to do with the technical arrangements to be agreed upon by the Ministers of Defense of the two Governments, and which are hereby authorized.

*Article 2*

The Governments of Portugal and of the United States, in technical and financial collaboration, and in harmony with technical arrangements to be agreed upon, will construct new installations and enlarge and improve those existing for the purpose of preparing and equipping the agreed facilities in the Azores with

<sup>1</sup> Came into force on 6 September 1951, the date of signature, in accordance with article 12.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 34, p. 243, and Vol. 126, p. 350.

what is necessary for the execution of the missions for which under the defense plans they are charged with in time of war.

- 1) These preparatory works shall include, among other things, the storage of oil, munitions, spare parts and any supplies considered necessary for the purposes in view.
- 2) The term for the execution of what is set forth in the body of the present Article and in subparagraph 1 will run from the date of signature of this Agreement until the first of September 1956 with a period of grace of four months.

### *Article 3*

All constructions and materials incorporated in the soil will from the start be considered property of the Portuguese State without prejudice to the recognized right of the United States to use such constructions and materials in time of war or in time of peace to the extent and in the manner provided in this Agreement, and to raze and remove them for its account at the end of the term referred to in Article 1 or if the hypothesis mentioned in Article 8 should eventuate, all in accordance with technical arrangements to be agreed upon.

At the end of the period referred to in Article 1, as well as in the hypothesis provided for in Article 8, and without prejudice to the technical arrangements referred to above, the United States may raze or remove for its account technical equipment belonging to it and not necessary to the future functioning of the bases, the Portuguese Government making equitable payment for that which it desires to acquire and which may be ceded to it.

### *Article 4*

Having in mind their eventual use in harmony with the provisions of Article 1, the Portuguese Government will undertake the maintenance of the facilities in all the period subsequent to the withdrawal of the American personnel, as stipulated in Article 7.

### *Article 5*

For the purpose of the previous Article, and in accordance with what will be agreed upon between the Defense Ministers of the two Governments, the Government of the United States will provide facilities necessary for the apprenticeship and training of Portuguese personnel having in mind the perfect functioning of the bases as well as facilitate duly qualified American personnel and material both deemed indispensable for the missions charged to the military forces in the Azores, in time of peace as well as in time of war, in harmony with the plans established by the competent organs of the North Atlantic Treaty Organization. This American personnel in the period subsequent to the evacuation of the bases in time of peace will be under Portuguese direction.

*Article 6*

During the period of the preparation of the bases, in conformity with Article 2 subparagraph 2, and during the period of evacuation granted under Article 7, the transit of American military aircraft through the Lagens Airdrome continues to be permitted and there will be authorized on that base, during the same periods, the training of United States aviation and naval personnel, and United States military and civilian personnel stationed there may be increased up to the necessary. There will also be permitted the eventual visit to the airdrome of Santa Maria of some military aircraft which be provided for by technical arrangements to be concluded between the Ministers of Defense of the two Governments.

These arrangements will fix the number and missions of the personnel employed and will define the legal statute to which they will be subject, as well as the exemptions which the personnel and material will enjoy in time of peace and in time of war.

*Article 7*

For a term beyond the periods in which the facilities should be utilized either in time of war or under conditions provided for in subparagraph 2 of Article 2, there will be granted by the Portuguese Government between six months and a year, in accordance with the circumstances and difficulties of the occasion, for the complete evacuation of the American personnel and their accompanying equipment, which will take place whether or not it has been possible to carry out the provisions of Article 5.

Stockpiling of materials and supplies necessary to the preparation for war, in accordance with the reasonable exigencies of the international situation, and in accordance with technical arrangements to be agreed upon, is authorized during the term referred to in Article 1.

*Article 8*

The Government of the United States may at any moment renounce the concessions granted under the present Agreement in which case the obligations assumed in this respect by the Portuguese Government will likewise cease.

*Article 9*

In case of war the facilities granted may be utilized by the rest of the North Atlantic Treaty Organization members. The conditions for the utilization of the facilities by the members of the NATO will be established by agreement between the competent Portuguese and American authorities.

The Portuguese Government reserves the right to extend to the Government of His Britannic Majesty in the United Kingdom facilities analogous to those granted under this Agreement.

*Article 10*

The Portuguese Government will authorize, after the period of evacuation fixed in Article 7, the transit through Lagens of military aircraft of the United States carrying out missions within the framework of the North Atlantic Treaty Organization. This transit will be carried out by the utilization of the Portuguese services in the referred to Base, whether or not it has been possible to carry out the provisions of Article 5.

For beyond the period in question, and from time to time, as may be agreed between the Ministers of Defense of the two countries in the face of circumstances and in each case, the Lagens base may be utilized for the exercises of combined training of the appropriate forces of NATO. The non-Portuguese personnel necessary to effect this training will remain in the Azores only for the time necessary for each operation.

*Article 11*

Nothing in the technical arrangements to be agreed upon by the Ministers of Defense of the two Governments may be understood in a contrary sense to the provisions of the present Defense Agreement.

*Article 12*

This Agreement will enter into effect on the date of its signature and on the same date the Agreement of February 2, 1948,<sup>1</sup> will cease to have validity.

IN TESTIMONY THEREOF the respective plenipotentiaries of the two Governments have placed their signatures and affixed their seals to the present Agreement.

DONE in Lisbon in two copies, in Portuguese and English, both texts having equal value, this sixth day of September 1951.

[SEAL] Lincoln MACVEAGH

[SEAL] Paulo CUNHA

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<sup>1</sup> United Nations, *Treaty Series*, Vol. 174, p. 187.