

No. 3779

**UNITED STATES OF AMERICA
and
TURKEY**

**Exchange of notes (with relate *aide-mémoire*) constituting
an agreement relating to a defense facilities assistance
program. Ankara, 25 April 1955**

Official text: English.

Registered by the United States of America on 27 March 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
TURQUIE**

**Échange de notes (avec aide-mémoire y relatif) constituant
un accord relatif à un programme d'aide en matière
d'installations servant à la défense. Ankara, 25 avril
1955**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 27 mars 1957.

No. 3779. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND TURKEY RELATING TO A DEFENSE FACILITIES ASSISTANCE PROGRAM. ANKARA, 25 APRIL 1955

I

The American Chargé d'Affaires ad interim to the Turkish President of the Council of Ministers and Acting Minister of Foreign Affairs

AMERICAN EMBASSY

No. 1335

Ankara, April 25, 1955

Excellency :

I have the honor to refer to discussions between representatives of our two Governments concerning a special program of facilities assistance by the Government of the United States to the Government of Turkey to be carried out in accordance with the principles and conditions set forth in the Agreement on Aid to Turkey between our two Governments, dated July 12, 1947,² as supplemented by an exchange of notes dated January 7, 1952,³ and such other applicable agreements as may be in force between our two Governments. The purpose of this program is to increase the capacity of Turkey to produce, maintain or repair ammunition and ammunition components, such increased capacity being urgently needed for the mutual defense of the North Atlantic Treaty⁴ countries.

As a result of these discussions, the following understandings were arrived at :

- (1) The Government of Turkey undertakes that in connection with the facilities assistance to be furnished by the United States :
- (a) It will not discriminate in the sale of ammunition and ammunition components produced, maintained or repaired in facilities for which the Government of the United States has provided assistance, or in the charges for repair, renovation and maintenance services in connection therewith, against any other North Atlantic Treaty country in terms of the price charged, the quality made available, or delivery dates.

¹ Came into force on 25 April 1955 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 7, p. 299.

³ United Nations, *Treaty Series*, Vol. 179, p. 121.

⁴ United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243.

- (b) It will maintain the additional facilities made available through United States assistance so that they will be in a condition to produce, maintain or repair ammunition and ammunition components promptly when they may be required for urgent purposes of mutual defense; but pending such time, equipment furnished by the United States and such additional facilities may be used for other purposes, provided such use will not interfere with the ready availability of such equipment and facilities for the production, maintenance or repair of ammunition and ammunition components when required for urgent purposes of mutual defense.
- (c) It will furnish all of the land, buildings, equipment, materials and services required for the additional facilities, except for the equipment and technical advice to be furnished by the Government of the United States, and will take whatever measures are required to accomplish the increase in facilities envisaged in the program.

(2) It is mutually understood that the appropriation of funds by the United States Congress for the Facilities Assistance Program was for the purpose of assisting in the creation of a net addition to European ammunition and ammunition components production, maintenance or repair capacity. In furtherance of this purpose, the Government of Turkey undertakes that, in addition to the new facilities provided for hereunder, it will maintain or cause to be maintained in usable condition a total capacity for the production, maintenance or repair of ammunition and ammunition components, which shall be not less than the aggregate of that now existing and that already programmed for construction in Turkey, whether under private or public ownership.

(3) The undertakings in paragraph 1 (b) and in paragraph 2 with respect to the maintenance of facilities are subject to the understanding that should changed conditions make continued compliance with these undertakings either unnecessary as a matter of defense or infeasible, the Government of Turkey may, after consultation with the Government of the United States, modify these undertakings to accord with such changed conditions.

(4) The Government of the United States will, subject to the terms and conditions of any applicable United States legislation, furnish to the Government of Turkey such production, maintenance or repair equipment, and technical advice, as may be mutually arranged as provided in paragraph (5) hereof.

(5) In carrying out the Facilities Assistance Program, our two Governments, acting through their appropriate contracting officers, will enter into supplementary arrangements covering the specific projects involved, which will set forth the nature and amounts of the contributions to be made by the Government of the United States and the Government of Turkey, the description and purpose of the facilities to be established, and other appropriate details. Such arrangements may include provisions for the procurement of equipment to be furnished by the United States Government from the Government of Turkey under the offshore procurement program, and the transfer of such equipment to the Government of Turkey in accordance with the provisions of the Agreement on Aid to Turkey.

I propose that if these understandings meet with the approval of the Government of Turkey, the present note and your Excellency's note in reply shall be considered as constituting a confirmation of the above-mentioned arrangements between our two Governments.

Foy D. KOHLER
Chargé d'Affaires ad interim

His Excellency Adnan Menderes
President of the Council of Ministers
and Acting Minister of Foreign Affairs
Ankara, Turkey

II

*The Turkish Secretary General of the Ministry of Foreign Affairs to the American
Chargé d'Affaires ad interim*

TÜRKİYE CUMHURİYETİ
HARİCİYE VEKÂLETİ¹

EKO/MDAP(3)1879

Ankara, April 25, 1955

Mr. Chargé d'Affaires

I have the honor to acknowledge receipt of your Note No. 1335 of April 25, 1955, which reads as follows :

[See note I]

I have the honor to confirm that the above mentioned understandings meet with the approval of the Turkish Government.

Please accept Mr. Chargé d'Affaires, the assurances of my highest consideration.

M. NURI BIRGI

Mr. Foy D. Kohler
Chargé d'Affaires a.i. of the United States Embassy
Ankara

¹ Republic of Turkey.
Ministry of Foreign Affairs.

*The American Embassy to the Turkish Ministry of Foreign Affairs**AIDE-MÉMOIRE*

In presenting Note No. 1335 of April 25, 1955 to the Director General of the Ministry's Office NATO¹ Affairs, the Embassy's Economic Counselor conveyed the following supplementary information with reference to paragraph (2) of that Note : It is the understanding of our two Governments that in interpreting paragraph (2) the words " . . . total capacity for the production, maintenance or repair of ammunition and ammunition components, which shall be not less than the aggregate of that now existing and that already programmed for construction in Turkey, whether under private or public ownership. ", shall be construed to mean exclusively the capacity of MKEK² which presently exists and that which is presently programmed for construction.

American Embassy
Ankara, April 25, 1955

¹ North Atlantic Treaty Organization.

² "Makina ve Kimya Endüstrisi Kurumu," which in translation reads : "Establishment for Mechanical and Chemical Industries."