

No. 4127

**UNITED STATES OF AMERICA
and
IRAQ**

**Exchange of notes constituting an agreement relating to a
special program of facilities assistance. Baghdad,
16 June 1957**

Official texts: English and Arabic.

Registered by the United States of America on 20 December 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
IRAK**

**Échange de notes constituant un accord relatif à un pro-
gramme spécial d'aide en moyens de production.
Bagdad, 16 juin 1957**

Textes officiels anglais et arabe.

Enregistré par les États-Unis d'Amérique le 20 décembre 1957.

No. 4127. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND IRAQ RELATING TO A SPECIAL PROGRAM OF FACILITIES ASSISTANCE. BAGHDAD, 16 JUNE 1957

I

The American Ambassador to the Iraqi Minister of Foreign Affairs

AMERICAN EMBASSY

Baghdad, June 16, 1957

Excellency :

I have the honor to refer to recent 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 Iraq, to be carried out in accordance with the principles and conditions set forth in the Military Assistance Agreement between our two Governments dated April 21, 1954,² as amended and supplemented by the exchange of notes dated July 25, 1955,³ 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 Iraq to produce, maintain, repair, or overhaul military equipment and materials used for the purposes of common defense, such increased capacity being needed for the mutual defense of the free nations of the world.

As a result of these discussions, the following mutual understandings have been reached :

(1) The Government of the United States will, subject to the terms and conditions of any applicable United States legislation, furnish to the Government of Iraq such equipment and technical advice as may be mutually arranged as provided in paragraph (7) hereof.

(2) The Government of Iraq will furnish or cause to be furnished all of the land, buildings, equipment, materials, and services required for the expansion of existing facilities or the establishment of new 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 expansion of or increase in facilities envisaged in the program.

¹ Came into force on 16 June 1957 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 222, p. 251.

³ United Nations, *Treaty Series*, Vol. 265, p. 393.

(3) The Government of Iraq will maintain or cause to be maintained the additional facilities made available with United States assistance so that they will be in a condition to produce, maintain, repair, or overhaul military equipment and materials used for the purposes of common defense promptly when they may be required; 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 the equipment and facilities for use for the purpose for which they were established. This undertaking is subject to the further understanding that should changed conditions make continued compliance with it either unnecessary as a matter of defense, or impracticable, the Government of Iraq may, after consultation with the Government of the United States, modify the undertaking to accord with such changed conditions.

(4) The Government of Iraq agrees that it will make the products or services of the facilities expanded or established with United States assistance available at fair and reasonable prices to such other free nations as may be mutually agreed upon between Iraq and the United States and that it will not discriminate in terms of the prices charged for such products or services, the quality of products or services made available, the time within which such products or services are delivered or performed, or in any other manner.

(5) The Government of Iraq agrees that it will not include as an element of the price of the products or services made available to other free nations any charge which is attributable in any way to the initial cost of equipment, materials, or services furnished by the Government of the United States in connection with the establishment or expansion of the facility concerned or otherwise provided to the Government of Iraq by the Government of the United States under the Mutual Security Program.

(6) The Government of Iraq agrees that it will permit the importation and exportation free from customs duties, taxes, or similar charges, of military equipment and materials sent to Iraq for maintenance, repair, or overhaul in a facility established or expanded with United States assistance, and the exportation free from duties, taxes or other similar charges of equipment and materials produced in such a facility, and made available to other free nations in accordance with paragraph (4) hereof.

(7) In carrying out the Facilities Assistance Program, our two Governments, acting through their appropriate representatives, 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 Iraq, the description and purposes of the facilities to be established, and other appropriate details.

(8) When an item which is produced or fabricated in a facility made available with United States assistance is classified by either Government or involves a technique or information which is classified by either Government, it is mutually understood that before the item or rights essential to its production or maintenance are sold or transferred to any other nation or nations, the two Governments will agree that under the conditions then prevailing there is no security objection to such sale or transfer.

I have the honor to propose that if these understandings meet with the approval of Your Excellency's Government, this present note and Your Excellency's note in reply shall constitute additional arrangements between our two Governments pursuant to the introductory paragraph of the Military Assistance Agreement, which arrangements shall enter into force on the date of Your Excellency's reply.

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

W. J. GALLMAN

His Excellency Sayyid Burhanuddin Bashayan
Foreign Minister of Iraq

II

The Iraqi Minister of Foreign Affairs to the American Ambassador

[ARABIC TEXT — TEXTE ARABE]

الرقم غ/٦٧٦/٦٧٦

بغداد في ١٦/٦/١٩٥٧

الحكومة العراقية
 وزارة الخارجية
 الدائرة السياسية

الدائرة السياسية

القضية العربية

صاحب المحالسي

استفسر بان اشير الى مذورتكم المؤرخة بتاريخ اليوم والتي جاء فيها ما يلي ٠٠

(١) لي الشرف ان اشير الى المباحثات الاخيرة بين مثلي حكومتنا حول (المنهج الخاص للمساعدة بتقديم التسهيلات) من حكومة الولايات المتحدة الى الحكومة العراقية طمسى ان يجهز هذا المنهج وفقا للمبادئ والشروط المبينة في اتفاق المساعدة العسكرية بين حكومتنا المؤرخ في ٢١ نيسان ١٩٥٤ كما عدل واضيف اليه بموجب المذكرات المتبادلة في ٢٥ نوز ١٩٥٥ وحسب اية اتفاقات اخرى معمول بها وتنفذ المعمول بين حكومتنا. ان الغرض من المنهج المذكور هو زيادة مقدرة العراق على الانتاج والادامة والتصلح والتصلح العلم (التجنيح) للمعدات والمواد العسكرية المستعملة لاغراض الدفاع المشترك ززيادة تأمين ما تقتضيه ضرورات الدفاع المشترك لشعوب العالم الحرة .
 وكنهجة لهذه المباحثات قد تم الوصول الى التظام المتبادل التالي ٠٠

- ١) مع مراعاة شروط واحكام أي تشريع معمول به في الولايات المتحدة تجهز حكومة الولايات المتحدة الحكومة العراقية بالمعدات والمشورة الفنية التي يتم الاتفاق عليها بين الطرفين كما جاء في الفقرة (٧) ادناه .
- ٢) تجهز الحكومة العراقية او تؤمن تجهيز جميع الاراضي والمباني والمعدات والمواد والخدمات المطلوبة لتوسيع التسهيلات الحالية او لتأسيس تسهيلات جديدة وذلك ما عدت المعدات والمشورة الفنية التي ستجهزها حكومة الولايات المتحدة . وتتخذ الحكومة العراقية كافة التدابير اللازمة لغرض توسيع التسهيلات او زيادتها وفقا لما يستتداه المنهج .
- ٣) تقوم الحكومة العراقية بادامة او بتأمين ادامة التسهيلات الاضافية التي تجهز بمساعدة الولايات المتحدة بحيث تكون هذه التسهيلات بحالة تساعد على الانتاج والادامة والتصلح والتصلح العلم (التجنيح) للمعدات والمواد العسكرية المستعملة لاغراض الدفاع المشترك فوراً وعند الطلب . واني ان يحين مثل هذا الوقت فانه يمكن استعمال المعدات والتسهيلات الاضافية التي تجهزها الولايات المتحدة لاغراض اخرى على ان لا يتعارض مثل هذا الاستعمال مع بقاء تلك المعدات والتسهيلات جاهزة للاستعمال لاغراض التي اسسها من اجلها . ويرى في هذا التصهد بانه في حالة تغير الظروف بحيث يصبح استمرار

[TRANSLATION¹ — TRADUCTION²]

THE GOVERNMENT OF IRAQ
MINISTRY OF FOREIGN AFFAIRS

Political Office
Western Section

No. G/676/676/2

Baghdad, June 16, 1957

Excellency :

I have the honor to refer to your note of this date, which contains the following :

[*See note I*]

I have the pleasure, Mr. Ambassador, to inform Your Excellency of the Iraqi Government's acceptance of the contents of your note quoted above. I trust that your note and this reply to it will constitute a confirmation of the understanding between our two governments concerning this matter.

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

BASHAYAN

His Excellency Waldemar J. Gallman
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Baghdad

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

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