

No. 3864

**UNITED STATES OF AMERICA
and
CHINA**

Exchange of notes constituting an agreement relating to the disposition of equipment and materials under the mutual defense assistance program. Taipei, 3 April 1956

Official texts: English and Chinese.

Registered by the United States of America on 4 June 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
CHINE**

Échange de notes constituant un accord relatif à la liquidation d'équipement et de matériel dans le cadre du programme d'aide pour la défense mutuelle. Taïpeh, 3 avril 1956

Textes officiels anglais et chinois.

Enregistré par les États-Unis d'Amérique le 4 juin 1957.

No. 3864. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CHINA RELATING TO THE DISPOSITION OF EQUIPMENT AND MATERIALS UNDER THE MUTUAL DEFENSE ASSISTANCE PROGRAM. TAIPEI, 3 APRIL 1956

I

The American Ambassador to the Chinese Minister of Foreign Affairs

AMERICAN EMBASSY

No. 35

Taipei, April 3, 1956

Excellency :

I have the honor to refer to the Embassy's Note No. 114 of December 29, 1951, and to the Ministry's note in reply of January 2, 1952,² and in particular to paragraph 2 of each of said notes, in which the Government of the United States of America and the Government of the Republic of China signified their mutual agreement that procedures would be established to ensure that equipment and materials furnished by the Government of the United States under the Mutual Defense Act of 1949, as amended, or by either Government under the Mutual Defense Assistance Agreement of 1951,³ 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equipment or materials furnished under terms requiring reimbursement, and no longer required for the purposes for which originally made available will be offered for return to the Government which furnished such assistance for appropriate disposition.

In order to effect the establishment of procedures as agreed upon, I propose that the following arrangements govern the disposition of military equipment and materials furnished by the Government of the United States and no longer required or used exclusively for the purposes for which they were made available :

1. The Government of the Republic of China will offer for return to the Government of the United States equipment or materials furnished under the Mutual Defense Assistance Agreement effected by the exchange of notes dated January 30, 1951, and February 9, 1951³ respectively, and no longer required for the purposes for which they were originally made available. The Government of the United States may also draw to the attention of the appropriate authorities of the Government of the Republic of China any equipment or materials which it considers to fall within the scope of these arrangements, in which event the appropriate authorities of the two Governments will consult with a view to disposing of any such items in accordance with the procedures set out in the following paragraphs.

¹ Came into force on 3 April 1956 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 181, p. 162.

³ United Nations, *Treaty Series*, Vol. 132, p. 273, and Vol. 184, p. 348.

2. The Government of the United States may accept title to such equipment or materials for transfer to a third country or for such other disposition as may be made by the Government of the United States.

3. When title is accepted by the Government of the United States, such equipment or materials will be delivered as it may request free alongside ship at port in Taiwan or free on board inland carrier at a shipping point in Taiwan designated by the Government of the United States, or, in the case of flight-deliverable aircraft, at such airfield in Taiwan as may be designated by the Government of the United States.

4. Such equipment or materials as are not accepted by the Government of the United States will be disposed of by the Government of the Republic of China as may be agreed between the two Governments.

5. Any salvage or scrap from military equipment or materials furnished by the Government of the United States shall be reported to the Government of the United States and shall be disposed of in accordance with paragraphs 2, 3, and 4 of the present arrangement.

Upon receipt of your Excellency's note indicating that the foregoing provisions are acceptable to the Government of the Republic of China, the Government of the United States of America will consider that this note and your Excellency's 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 renewed assurances of my highest consideration.

K. L. RANKIN

His Excellency Dr. George K. C. Yeh
Minister of Foreign Affairs
Republic of China

II

The Chinese Minister of Foreign Affairs to the American Ambassador

[CHINESE TEXT — TEXTE CHINOIS]

照 會

外(45)美一

003287

接准

貴大使本年四月三日第三五號照會內開：

“案查一九五一年十二月廿九日大使館第一一四號照會及一九五二年一月二日外交部復照內第二節曾載稱：美利堅合衆國政府及中華民國政府雙方同意採取步驟，以保證美利堅合衆國政府依照修正之一九四九年聯防互助法案或任何一國政府基於一九五一年聯防互助協定所供應之裝備及物資，除照條文規定須償還其價值者外，凡照原定用途已不復需用者，將提請供應是項援助之政府予以收回，俾作適當處置。

“茲爲依照上述協定確立步驟起見，本人特建議下列辦法，據以處置美國政府所供應而現已不復專照原定用途需用之裝備及物資：

- “一．關於根據一九五一年一月卅日及二月九日雙方政府換文成立之聯防互助協定所供應之裝備或物資，凡照原定用途已不復需用者，中華民國政府將提請美國政府予以收回，並由雙方政府主管當局舉行會商，俾依照下列各節所定步驟，處理此項裝備或物資。
- “二．美國政府得接受此項裝備或物資之產權，用以移轉與第三國，或由美國政府作其他之處置。
- “三．上述產權經美國政府接受後，中國政府應依美方請求將此項裝備或物資免費送達至在台灣港口之船旁，或在台灣內地運輸站之車輛上，其地點均由美國政府指定之。如係可以飛行交送之飛機，則應送達至美國政府所指定在台灣之飛機場。
- “四．此項裝備或物資如不爲美國政府所接受，則經雙方政府同意後，由中華民國政府予以處置。
- “五．中國政府應就美國政府所供應之軍用裝備或物資所產生之任

何廢料，通知美國政府，其處置依照本辦法第二、三、四、各節之規定辦理。

“美利堅合衆國政府於收到閣下復照表示中華民國政府對上列各款可予接受後，即認本照會及閣下復照構成兩國政府間關於此事之協定，并自貴方復照之日起生效。”等由。

本部長茲代表中華民國政府對於

貴大使上開照會所載各項規定，予以接受。相應復請 查照。

本部長順向

貴大使重申最高敬意。 此致

美利堅合衆國駐華特命全權大使藍欽閣下

葉公超（簽名）

中華民國四十五年四月三日於台北（印）

[TRANSLATION¹ — TRADUCTION²]

No. Wai (45) Mei-1-003287

Taipei, April 3, 1956

Excellency :

I have the honor to acknowledge receipt of your note No. 35 of today's date, which reads as follows :

[See note I]

In reply, I have the honor to signify on behalf of the Government of the Republic of China the acceptance of the provisions set forth in your note referred to above.

Accept, Excellency, the renewed assurances of my highest consideration.

[SEAL] George K. C. YEH

His Excellency Karl L. Rankin
Ambassador of the United States of America
Taipei

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

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