

No. 4443

**UNITED STATES OF AMERICA
and
ETHIOPIA**

**Exchange of notes constituting an agreement relating to a
facilities assistance program for mutual defense. Addis
Ababa, 26 December 1957**

Official text: English.

Registered by the United States of America on 24 July 1958.

**ÉTATS-UNIS D'AMÉRIQUE
et
ÉTHIOPIE**

**Échange de notes constituant un accord relatif à un pro-
gramme d'aide en moyens de production pour la défense
mutuelle. Addis-Abéba, 26 décembre 1957**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 24 juillet 1958.

No. 4443. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ETHIOPIA RELATING TO A FACILITIES ASSISTANCE PROGRAM FOR MUTUAL DEFENSE. ADDIS ABABA, 26 DECEMBER 1957

I

The American Ambassador to the Ethiopian Vice Minister for Foreign Affairs

Addis Ababa, December 26, 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 Imperial Ethiopian Government, to be carried out in accordance with the principles and conditions set forth in the Mutual Defense Assistance Agreement between our two Governments dated May 22, 1953.² The purpose of this program is to increase the capacity of Ethiopia 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 Imperial Ethiopian Government such equipment, materials, technical advice and services as may be mutually arranged, as provided in paragraph (7) hereof.

(2) The Imperial Ethiopian Government 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, materials, technical advice and services 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.

(3) The Imperial Ethiopian Government will maintain or cause to be maintained the expanded and additional facilities provided with the help of United States assistance so

¹ Came into force on 26 December 1957 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 207, p. 127, and Vol. 303.

that they will, when required, be in a condition promptly to produce, maintain, repair or overhaul military equipment and materials used by Ethiopia or other free nations for the purposes of common defense ; provided, however, that when such expanded and additional facilities are not required to be used for the purposes described above, such facilities may be used by the Imperial Ethiopian Government for other purposes ; and provided, further, that such use will not interfere with the ready availability of such expanded and additional facilities for the purpose for which they were established. The undertakings contained in this paragraph (3) are subject to the further understanding that, should changed conditions make continued compliance therewith either impracticable or unnecessary as a matter of defense, the Imperial Ethiopian Government may, after consultation with the Government of the United States, modify the undertakings to accord with such changed conditions.

(4) The Imperial Ethiopian Government agrees that, after provision shall have been made for meeting the requirements of its own Armed Forces, it will make the products or services of the expanded and additional facilities provided with the help of the United States assistance available at fair and reasonable prices to such other free nations as may be mutually agreed upon between the Imperial Ethiopian Government and the Government of the United States, and that it will make no distinction among such free nations in terms of the prices charged for such products or services, the quality of the products or services made available, or, except as may be required by the limited availability or capacity of such products or services, the time within which such products or services are delivered or performed, or in any other manner.

(5) The Imperial Ethiopian Government 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 to the initial cost of the equipment, materials, technical advice and services furnished by the Government of the United States in connection with the establishment or expansion of the facility concerned.

(6) The Imperial Ethiopian Government agrees that it will permit the importation and exportation free from customs duties, taxes or other similar charges, of military equipment and materials sent to Ethiopia for maintenance, repair or overhaul in a facility established or expanded with the help of 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, the 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 Imperial Ethiopian Government, the description and purposes of the facilities to be established, and other appropriate details.

(8) When an item which is produced 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 detailed arrangements between our two Governments, pursuant to Article I, Paragraph 1 of the Mutual Defense 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.

D. B.

His Excellency Ato Gachaou Zallaka
Vice Minister for Foreign Affairs
Imperial Ethiopian Government

II

The Ethiopian Vice Minister for Foreign Affairs to the American Ambassador

MINISTRY OF FOREIGN AFFAIRS

No. 153/1A/50

Addis Ababa, December 26, 1957

Excellency :

I am in receipt of your Note of December 26, 1957 concerning a special program of facilities assistance of the Government of the United States to the Imperial Ethiopian Government and setting forth the understandings governing such program.

I take pleasure in confirming to Your Excellency the acceptance by the Imperial Ethiopian Government of such understandings, as follows :

[See note I]

It is further understood and agreed that Your Excellency's Note of December 26, 1957 under acknowledgement and the present Note shall constitute detailed arrangements between our two Governments, pursuant to Article I, Paragraph 1 of the Mutual Defence Assistance Agreement, which arrangements shall enter into force as of the date of the present Note.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Gachaou ZALLAKA
[SEAL]

His Excellency Mr. Don C. Bliss
Ambassador of the United States of America
Embassy of the United States of America
Addis Ababa