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No. 6348

**UNITED STATES OF AMERICA
and
GHANA**

Exchange of notes constituting an agreement relating to the continued application to Ghana of certain treaties and agreements concluded between the United States of America and the United Kingdom of Great Britain and Northern Ireland. Accra, 4 September and 21 December 1957 and 12 February 1958

Official text: English.

Registered by the United States of America on 16 October 1962.

**ÉTATS-UNIS D'AMÉRIQUE
et
GHANA**

Échange de notes constituant un accord sur le maintien en vigueur, à l'égard du Ghana, de certains traités et accords conclus entre les États-Unis d'Amérique et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord. Accra, 4 septembre et 21 décembre 1957 et 12 février 1958

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 16 octobre 1962.

No. 6348. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND GHANA RELATING TO THE CONTINUED APPLICATION TO GHANA OF CERTAIN TREATIES AND AGREEMENTS CONCLUDED BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. ACCRA, 4 SEPTEMBER AND 21 DECEMBER 1957 AND 12 FEBRUARY 1958

I

The American Ambassador to the Ghanaian Prime Minister, Minister of Defense and External Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

September 4, 1957

No. 7

Excellency :

I have the honor to refer to the informal statement of Minister Gbedemah and the Secretary of the External Affairs Department to the Chargé d'Affaires of the American Embassy on or about February 20, 1957 that the Government of Ghana would regard treaties and agreements between the Governments of the United Kingdom and Northern Ireland and the United States of America affecting Ghana as remaining in effect for three months following March 6, 1957, pending the conclusion of more permanent arrangements. The Minister responsible for External Affairs informed me orally on June 28, 1957, that the Government of Ghana considered this informal undertaking remained in force.

In the view of my Government, it would be desirable to replace the existing informal agreement by a formal undertaking, which might be appropriately registered with the United Nations Organization. Since certain treaties or agreements between the United Kingdom and the United States of America may be either inapplicable or out of date, my Government proposes that consideration be given at this juncture

¹ Came into force on 12 February 1958 by the exchange of the said notes.

only to continuing in force the following treaties and agreements. I understand that the Chargé of this Embassy transmitted copies of these treaties to the Ministry of External Affairs in April of this year.

Arrangement of March 28 and April 5, 1935 relating to pilot licenses to operate civil aircraft (*Executive Agreement Series 77*).¹

Air services agreement, and Final Act of the Civil Aviation Conference, signed February 11, 1946 (*Treaties and Other International Acts Series 1507*).²

Consular convention, and protocol of signature, signed June 6, 1951 (*Treaties and Other International Acts Series 2494*).³

Mutual Defense assistance agreement of January 27, 1950 (*Treaties and Other International Acts Series 2017*).⁴

Economic cooperation agreement of July 6, 1948, as amended (*Treaties and Other International Acts Series 1795, 2036, 2277 and 2815*).⁵

Extradition treaty of December 22, 1931 (*Treaty Series 849*).⁶

Agreement of March 12, 1937 for the reciprocal reduction of passport visa fees for non-immigrants.⁷

Convention of March 2, 1899 relating to tenure and disposition of real and personal property, with supplements (*Treaty Series 146, 402 and 964*).⁸

Declaration of October 24, 1877 affording reciprocal protection to trademarks (*Treaty Series 138*).⁹

Conventions of July 3, 1815 (art. IV¹⁰ only) and August 6, 1827 to regulate commerce (*Treaty Series 110 and 117*).¹¹

¹ League of Nations, *Treaty Series*, Vol. CLXII, p. 59.

² United Nations, *Treaty Series*, Vol. 3, p. 253; Vol. 24, p. 312; Vol. 71, p. 264; Vol. 226, p. 330; Vol. 263, p. 392, and Vol. 425, p. 296.

³ United Nations, *Treaty Series*, Vol. 165, p. 121.

⁴ United Nations, *Treaty Series*, Vol. 80; p. 261; Vol. 164, p. 362; Vol. 291, p. 300; Vol. 340, p. 342, and Vol. 431.

⁵ United Nations, *Treaty Series*, Vol. 22, p. 263; Vol. 86, pp. 304 and 308; Vol. 87, p. 384; Vol. 99, p. 308; Vol. 126, p. 348; Vol. 133, p. 316; Vol. 172, p. 332; Vol. 186, p. 310; Vol. 266, p. 364; Vol. 272, p. 246, and Vol. 405, p. 288.

⁶ League of Nations, *Treaty Series*, Vol. CLXIII, p. 59.

⁷ Not printed by the Department of State of the United States of America.

⁸ De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome XXX, p. 235.

⁹ De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome II, p. 527.

¹⁰ The following information is given by Department of State of the United States of America (*Treaties and Other International Acts Series 4966*, p. 2, footnote 10: "Superseded by the Consular Convention of June 6, 1951, listed above.")

¹¹ De Martens, *Nouveau Recueil général de Traités*, tome II, p. 582 et tome VII, p. 476.

If the foregoing proposal is agreeable to the Government of Ghana, my Government will consider this note and your replying note concurring therein as concluding an agreement between our respective Governments on this subject.

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

Wilson C. FLAKE
American Ambassador

His Excellency Dr. Kwame Nkrumah
Prime Minister
Minister of Defence and External Affairs
Accra

II

*The Ghanaian Permanent Secretary, Ministry of Defense and External Affairs,
to the American Chargé d'Affaires ad interim*

MINISTRY OF DEFENCE AND EXTERNAL AFFAIRS
GHANA

Accra, 21st December, 1957

BD. 172

Sir,

I have the honour to refer to His Excellency Wilson C. Flake's letter No. 7 dated September 4, 1957, addressed to the Honourable the Prime Minister about the attitude of the Ghana Government towards the treaties and agreements entered into between the Governments of the United Kingdom and Northern Ireland and the United States of America and applied to the Gold Coast before March 6, 1957. I am sorry it has not been possible to address you on this earlier.

The Governments of the United Kingdom and Ghana have, by exchange of notes,¹ recently entered into an agreement whereby the International rights and obligations under Treaties and agreements entered into between the Government of the United Kingdom and Northern Ireland on the one hand and any other Government on the other and applied to the Gold Coast have been formally transferred to Ghana with effect from March 6, 1957 in so far as their nature admits of such transfer. The agreement will shortly be published as a Ghana Government White Paper and registered with the United Nations Organization under Article 102 of the Charter of the United Nations.

Perhaps I should mention that this agreement does not preclude the possibility of negotiating about the continuing in force of any particular clause or clauses of any existing Treaties or of any reservations that either party might wish to raise at

¹ United Nations, *Treaty Series*, Vol. 287, p. 233.

some future date. I should be grateful if you would confirm that the procedure outlined above is acceptable to the Government of the United States of America and that the specific treaties mentioned in your letter under reference are considered as covered by the Agreement.

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

A. L. ADU
Permanent Secretary

Peter Rutter, Esq.
Chargé d'Affaires
United States Embassy
Accra

III

*The American Ambassador to the Ghanaian Prime Minister, Minister of Defense
and External Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

Accra, February 12, 1958

No. 8

Excellency :

I have the honor to express my Government's appreciation for the Permanent Secretary's note No. BD 172 of December 21, 1957 regarding the agreement recently concluded between the Governments of the United Kingdom and Ghana whereby the international rights and obligations under treaties and agreements entered into between the Government of the United Kingdom and Northern Ireland on the one hand and any other Government on the other and applied to the Gold Coast have been formally transferred to Ghana with effect from March 6, 1957 in so far as their nature admits of such transfer.

I hereby confirm that the procedure outlined in the Permanent Secretary's note of December 21, 1957 is acceptable to the Government of the United States of America and that the agreement as described therein is considered to cover the specific treaties mentioned in my note of September 4, 1957.

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

Wilson C. FLAKE
American Ambassador

His Excellency Dr. Kwame Nkrumah
Prime Minister
Minister of Defence and External Affairs
Accra