

No. 16394

**UNITED NATIONS
and
UNITED STATES OF AMERICA**

Exchange of letters constituting an agreement relating to the sale of excess property to be used by the United Nations Emergency Force (with attachments). Ismailia, 21 and 23 June 1976, New York, 26 August 1976, and Washington, 30 September 1976

Authentic text: English.

Registered ex officio on 1 February 1978.

**ORGANISATION DES NATIONS UNIES
et
ÉTATS-UNIS D'AMÉRIQUE**

Échange de lettres constituant un accord relatif à la vente de surplus destinés à la Force d'urgence des Nations Unies (avec documents annexes). Ismailia, 21 et 23 juin 1976, New York, 26 août 1976, et Washington, 30 septembre 1976

Texte authentique : anglais.

Enregistré d'office le 1^{er} février 1978.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED NATIONS AND THE UNITED STATES
OF AMERICA RELATING TO THE SALE OF EXCESS PROPERTY
TO BE USED BY THE UNITED NATIONS EMERGENCY FORCE

I

UNITED NATIONS NATIONS UNIES
EMERGENCY FORCE

Ismailia, 21 June 1976

LETTER OF INTENT

This is to confirm that Mr. Robert J. Ryan, Assistant Secretary-General, Office of General Services, United Nations Headquarters, New York, undertakes that the United Nations is agreeable to accept the offer from the SSM for the SFM temporary facilities and the saleable items of foreign excess property in the lots 1 through 5 for the amount of \$125,000.00 within the spirit of the conditions set forth in the draft memorandum of understanding handed over to Mr. Ryan, together with the listing of the saleable items at the subject meeting, such listing to be further defined by the parties. It is our understanding that the material initially will be ready for pick-up on 25 June 1976.

The actual mode and timing of payment to be agreed upon between Messrs. Ryan and W. B. Knauf, SSM.

Pending the actual signing of the agreement, this letter and its acknowledgement will constitute the basis of the agreement reached.

[Signed]

JAN G. SCHUMACHER
Chief Administrative Officer
United Nations Emergency Force
Ismailia
A.R.E.

II

UNITED STATES SINAI SUPPORT MISSION

June 23, 1976

Dear Mr. Schumacher:

This letter acknowledges the acceptance of Mr. Robert J. Ryan, Assistant Secretary-General, Office of General Services, United Nations Headquarters, New York, on behalf of the United Nations of the offer of the Sinai Support Mission to sell to the United Nations certain temporary facilities and other saleable items of U.S. Government-owned foreign excess property as discussed in your letter of 21 June 1976.

¹ Came into force on 30 September 1976 by the exchange of the said letters.

By its terms that letter and its acceptance by me in this manner constitute the required mutual agreement of the parties to consummate this sale.

[Signed]

BARRY KNAUF
Contracting Officer

Mr. Jan G. Schumacher
Chief Administrative Officer
United Nations Emergency Force
Ismailia, A.R.E.

III

UNITED NATIONS NATIONS UNIES

26 August 1976

Reference: US/UNEF/ASSIST/76-30

Dear Ambassador Sherer,

The United Nations requested the Sinai Support Mission to sell to it for use in UNEF-sponsored programs certain United States Government-owned foreign excess property as listed in the attached UNEF Receiving and Inspection Report No. UNEF/SUP/6-331 dated 5 July 1976. It is understood that the request of the UN to purchase United States Government-owned excess property has been approved, subject to the terms and conditions herein.

In accordance with Section 607 (a) of the Foreign Assistance Act of 1961, as amended, the Sinai Support Mission has authorized the UNEF to purchase foreign excess property in the kinds and amount described in the Annex A to this letter. This letter authorizes the UNEF to acquire such property and sets forth terms and conditions governing the sale and use of such property. The terms and conditions of this letter will be effective as of July 1976.

The total amount of property which can be transferred in accordance with this letter, measured in terms of original acquisition cost, is \$391,608. — (freight excluded). The purchase price is \$125,000. —. The method of payment is by check upon presentation of invoice.

The following procedures, terms, and conditions will govern the sale, transfer, and use of all property described in the Annex to this letter delivered to the UNEF:

1. *Section 607(b) Determinations*

All determinations required by Section 607(b) of the Foreign Assistance Act of 1961, as amended, have been accomplished.

2. *Foreign Excess (on an "as is-where is" basis)*

All transfers hereunder of foreign excess are on an "as is-where is" basis. In addition to the purchase price the UNEF shall arrange and pay for all services incident to the movement of the property from the Sinai Field Mission to the point of use.

3. *Inspection of and transfer of title to Foreign Excess (on an "as is-where is" basis)*

a. The UNEF has inspected items to be transferred hereunder, and has agreed to accept such items on an "as is-where is" basis.

b. Title to foreign excess property approved for transfer on an “as is-where is” basis will pass from the United States to the UNEF upon physical removal of the property by the recipient from the Sinai Field Mission.

c. After title to excess property has passed to the UNEF, the UNEF shall assume all responsibilities incident to ownership of such property, including, but not limited to, all risks of loss or of damage to the property and of all damage caused by or charges incurred on the property.

4. *Use of Property*

The UNEF agrees that the property transferred to it will be used promptly and effectively in peace-keeping activities of UNEF (in the Sinai Peninsula).

5. *No Warranty on Property*

The property transferred hereunder is used and excess to the United States Government and is transferred “as is” with all faults. The Sinai Support Mission is not responsible for and makes no warranty regarding the fitness, condition, or safety of operation of the property transferred.

6. *Control and Disposition of Property*

The following provisions are applicable to each item of excess property for 6 months after the date of its arrival in the country to which it was shipped by the recipient:

- a. The UNEF will maintain accountability, reconditioning, utilization, and maintenance records on all items except expendable items.
- b. All accounts and records pertaining to the item are subject to audit by Sinai Support Mission representatives, including the right to inspect the item wherever it is located.
- c. The UNEF will not retransfer title or otherwise dispose of the item without prior approval of the Director, Sinai Field Mission.
- d. In the event that sale or other disposition of the item is approved, the UNEF will conduct such sale or other disposition under terms and conditions, including purchaser eligibility, prescribed by such Sinai Support Mission. All proceeds resulting therefrom will accrue directly and in full to the recipient.
- e. Six months after purchase of title to an item of excess property [by] the recipient, the recipient may dispose of the item without seeking the approval of Director, Sinai Field Mission directly and in full to the new recipient.

Yours sincerely,

[Signed]

GEORGE LANSKY
Director

Field Operations Service
Office of General Services

H. E. Mr. Albert W. Sherer, Jr.
Ambassador
Deputy Representative on the Security Council
United States Mission to the United Nations

IV

UNITED STATES SINAI SUPPORT MISSION
C/O DEPARTMENT OF STATE
WASHINGTON, D.C.

September 30, 1976

Dear Mr. Lansky:

Enclosed please find a confirming invoice concerning the sale by the Sinai Support Mission to the United Nations of certain foreign excess property located in the Sinai, for use by UNEF.

The terms of the sale are as set forth in United Nations Letter US/UNEF/ASSIST/76-30 dated August 26, 1976.

Please prepare a check in the amount of \$125,000 payable to the Sinai Support Mission, whose address appears above and remit with one copy of SF 1034.

Sincerely,

[Signed]

WILLIAM A. RICE
Controller

Mr. George Lansky
Director
Field Operations Service
Office of General Services
United Nations

ATTACHMENTS

[Not reproduced, pursuant to the provisions of article 12 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations as amended in the last instance by General Assembly resolution 33/141 A of 19 December 1978]
