

LEND-LEASE ¹

*Agreement and exchanges of notes signed at Ankara February 23, 1945
Entered into force February 23, 1945*

59 Stat. 1476; Executive Agreement Series 465

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY ON THE PRINCIPLES APPLYING TO AID UNDER THE ACT OF MARCH 11, 1941

Whereas the Government of the Republic of Turkey is desirous of strengthening its national defenses in order that it may be in a position to protect its territorial integrity and sovereign rights in a world at war;

And whereas the President of the United States of America on November 7, 1941 ² determined, pursuant to the Act of Congress of March 11, 1941, ³ that the defense of the Republic of Turkey is vital to the defense of the United States of America;

And whereas the United States of America has extended and is continuing to extend to the Republic of Turkey aid in the development of its means of defense;

And whereas it is expedient that the final determination of the terms and conditions upon which the Government of the Republic of Turkey receives such aid and of the benefits to be received by the United States of America in return therefor should be deferred until the extent of the aid is known and until the progress of events makes clearer the final terms and conditions and benefits which will be in the mutual interests of the United States of America and the Republic of Turkey and will promote the establishment and maintenance of world peace;

And whereas the Government of the United States of America and the Government of the Republic of Turkey are mutually desirous of concluding now a preliminary agreement in regard to the provision of such aid and in regard to certain considerations which shall be taken into account in

¹ See also lend-lease settlement agreement of May 7, 1946 (TIAS 1541, *post*, p. 1158).

² 1941 For. Rel. (III) 922.

³ 55 Stat. 31.

determining such terms and conditions; and the making of such an agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfill or execute prior to the making of such an agreement in conformity with the laws either of the United States of America or of the Republic of Turkey have been performed, fulfilled or executed as required;

The undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows:

ARTICLE I

The Government of the United States of America will continue to supply the Government of the Republic of Turkey with such defense articles, defense services, and defense information as the President of the United States of America shall authorize to be transferred or provided.

ARTICLE II

The Government of the Republic of Turkey will provide to the United States of America such articles, services, facilities or information as it may be in a position to supply, and may authorize.

ARTICLE III

The Government of the Republic of Turkey will not without the consent of the President of the United States of America transfer title to, or possession of, any defense article or defense information transferred to it under the Act of March 11, 1941 of the Congress of the United States of America, or under that Act as amended, or permit the use thereof by anyone not an officer, employee, or agent of the Government of the Republic of Turkey.

ARTICLE IV

If, as a result of the transfer to the Government of the Republic of Turkey of any defense article or defense information, it becomes necessary for that Government to take any action or make any payment in order fully to protect any of the rights of a citizen of the United States of America who has patent rights in and to any such defense article or information, the Government of the Republic of Turkey will take such action or make such payment when requested to do so by the President of the United States of America.

ARTICLE V

The Government of the Republic of Turkey will return to the United States of America at the end of the present emergency, as determined by the President of the United States of America, such defense articles transferred under this Agreement as shall not have been destroyed, lost or con-

sumed and as shall be determined by the President of the United States of America to be useful in the defense of the United States of America or of the Western Hemisphere or to be otherwise of use to the United States of America.

ARTICLE VI

In the final determination of the benefits to be provided to the United States of America by the Government of the Republic of Turkey full cognizance shall be taken of all property, services, information, facilities, or other benefits or considerations provided by the Government of the Republic of Turkey subsequent to March 11, 1941, and accepted or acknowledged by the President of the United States of America on behalf of the United States of America.

ARTICLE VII

In the final determination of the benefits to be provided to the United States of America by the Government of the Republic of Turkey in return for aid furnished under the Act of Congress of March 11, 1941 and under that Act as amended, the terms and conditions thereof shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end, they shall include provision for agreed action by the United States of America and the Republic of Turkey, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce; to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941,⁴ by the President of the United States of America and the Prime Minister of the United Kingdom.

At an early convenient date, conversations shall be begun between the two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by their own agreed action and of seeking the agreed action of other like-minded Governments.

ARTICLE VIII

It is understood that in the implementation of the provisions of the agreement each Government will act in accordance with its own constitutional procedures.

⁴ EAS 236, *ante*, vol. 3, 686.

ARTICLE IX

This Agreement shall take effect as from this day's date. It shall continue in force until a date to be agreed upon by the two Governments.

Done in duplicate in the English and Turkish languages, both authentic, at Ankara, this 23 day of February, 1945.

For the Government of the United States of America:

LAURENCE A. STEINHARDT [SEAL]
*Ambassador Extraordinary and Plenipotentiary
of the United States of America at Ankara*

For the Government of the Republic of Turkey:

HASAN SAKA [SEAL]
Minister of Foreign Affairs

EXCHANGES OF NOTES

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, *February 23, 1945*

EXCELLENCY:

Confirming the Aide Memoire which I handed to Your Excellency on October 21, 1944, I have the honor to inform Your Excellency as follows:

"1. Since the Government of the United States cannot foresee its own future needs for material which it has transferred to other Governments under the provisions of the Lend-Lease Act, it would not want to bind itself at this time to relinquishing the right to request the return of such materials as it might find desirable to have returned to the United States for the reasons set forth in Article V. However, the Government of the United States would, at a mutually convenient time after the signing of the agreement, provide the Turkish Government every opportunity to discuss with the Government of the United States the retention of such materials as the Turkish Government might desire to purchase.

"2. In Article VII, the signatories agree to collaborate with all other countries of like mind for the economic objectives described in that article. Since it is recognized, for example, that the reduction of trade barriers is a matter for action by each country in accordance with its own constitutional procedures, provision is made for conversations to determine the best means of attaining the stated objectives of each Government by their own 'agreed' action.

"3. With respect to the inquiry of the Turkish Government as to whether the signature of the agreement would be availed of by Washington to terminate Lend-Lease aid to Turkey, the response is made that it is not the intention

of the Government of the United States to use the signing of the agreement as a basis for terminating Lend-Lease aid to Turkey. The amount of aid in the future will naturally depend on the material available and upon the course of the war.”

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

LAURENCE A. STEINHARDT

His Excellency

HASAN SAKA

Minister for Foreign Affairs

Ankara

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS

ANKARA, *February 23, 1945*

MR. AMBASSADOR:

I have the honor to acknowledge receipt from Your Excellency of the note which you have had the kindness to deliver to me on February 23, 1945 and reading as follows:

[For text of U.S. note, see above.]

I have the honor to inform Your Excellency that the Government of the Republic having found in the contents of the said Aide-Memoire the meaning which it intends to give to the agreement concerning aid furnished under the act of March 11, 1941, declares itself ready to proceed to the signature of the said agreement.

Accept, Mr. Ambassador, the assurances of my very high consideration.

HASAN SAKA

His Excellency

Mr. LAURENCE STEINHARDT

Embassy of the United States of America

Ankara

The Turkish Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS

ANKARA, *February 23, 1945*

MR. AMBASSADOR:

In connection with the signature today of the agreement between the Government of the Republic of Turkey and the Government of the United

States of America on the principles applying to aid under the Act of March 11, 1941, I consider it helpful to point out to Your Excellency that the extent of the deliveries made by virtue of the Lend-Lease Law of March 11, 1941, before the date of the signature of the said agreement is to be the subject of consideration at the time of the final determination of the aid furnished by virtue of the said Lend-Lease Law.

Accept, Mr. Ambassador, the assurances of my very high consideration.

HASAN SAKA

His Excellency

Mr. A. LAURENCE STEINHARDT

*Ambassador of the United States of America
Ankara*

The American Ambassador to the Turkish Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
ANKARA, *February 23, 1945*

EXCELLENCY,

I have the honor to acknowledge receipt of Your Excellency's letter of February 23, 1945, reading as follows:

[For text of Turkish note, see above.]

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

LAURENCE A. STEINHARDT

His Excellency

HASAN SAKA

*Minister for Foreign Affairs
Ankara*