

United States of America

Transmitted by a note verbale dated 24 December 1963 of the United States Mission to the United Nations

A. TREATIES

I. TEXTS

- I. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN LEBANON AND THE UNITED STATES RELATING TO THE RIGHTS OF AMERICAN NATIONALS. BEIRUT, 7 AND 8 SEPTEMBER 1944¹

I

Legation of the
United States of America
September 7, 1944

Excellency:

I have the honor to inform Your Excellency that my Government has observed with friendly and sympathetic interest the accelerated transfer of governmental powers to the Lebanese and Syrian Governments since November 1943 and now takes the view that the Lebanese and Syrian Governments may now be considered representative, effectively independent and in a position satisfactorily to fulfil their international obligations and responsibilities.

The United States is, therefore, prepared to extend full and unconditional recognition of the independence of Lebanon, upon receipt from Your Excellency's Government of written assurances that the existing rights of the United States and its nationals, particularly as set forth in the treaty of 1924 between the United States and France,² are fully recognized and will be effectively continued and protected by the Lebanese Government, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between the United States and Lebanon.

. . .

G. WADSWORTH

His Excellency
Selim BEY TAKLA,
*Minister for Foreign Affairs of the
Republic of Lebanon,
Beirut.*

II

République Libanaise
Ministère des Affaires Étrangères
N° 2162
Sir,

Beyrouth, le 8 Septembre 1944

I have the honour to inform you that I have received with satisfaction your note dated 7th September, 1944, in which you conveyed

¹ United States, *Executive Agreement Series* 435. Came into force on 8 September 1944.

² United States, *Treaty Series* 695.

the view of the United States Government that the Lebanese Government may now be considered representative, effectively independent and in a position satisfactorily to fulfil his international obligations and responsibilities; and that therefore the United States is prepared to extend full and unconditional recognition of the independence of Lebanon upon receipt of written assurances that the existing rights of the United States and its nationals, particularly as set forth in the Treaty of 1924 between the United States and France, are fully recognised and will be effectively continued and protected by the Lebanese Government until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between the United States and Lebanon.

The Lebanese Government have taken note of the friendly attitude of the United States Government, and they highly appreciate this noble geste. It is my pleasant task to convey to you the assurances of the Lebanese Government that the existing rights of the United States and its nationals particularly as set forth in the Treaty of 1924 between the United States and France, are fully recognised and will be effectively continued and protected, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between Lebanon and the United States.

. . .

Sélim TAKLA

Minister for Foreign Affairs

His Excellency Mr. George WADSWORTH
*United States Diplomatic Agent,
Beirut*

2. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN SYRIA AND THE UNITED STATES RELATING TO THE RIGHTS OF AMERICAN NATIONALS. DAMASCUS, 7 AND 8 SEPTEMBER 1944¹

I

Legation of the
United States of America
September 7, 1944

Excellency:

I have the honor to inform Your Excellency that my Government has observed with friendly and sympathetic interest the accelerated transfer of governmental powers to the Syrian and Lebanese Governments since November 1943 and now takes the view that the Syrian and Lebanese Governments may now be considered representative, effectively independent and in a position satisfactorily to fulfil their international obligations and responsibilities.

The United States is, therefore, prepared to extend full and unconditional recognition of the independence of Syria, upon receipt from Your Excellency's Government of written assurances that the existing rights of the United States and its nationals, particularly as set forth

¹ United States, *Executive Agreement Series* 434. Came into force on 8 September 1944.

in the treaty of 1924 between the United States and France,¹ are fully recognized and will be effectively continued and protected by the Syrian Government, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between the United States and Syria.

. . .

G. WADSWORTH

His Excellency Jamil BEY MARDAM BEY,
*Minister for Foreign Affairs of the
Republic of Syria,
Damascus.*

II

République Syrienne
Ministère des Affaires Etrangères

No.—

DAMAS, le 8/9/44

Sir,

I have the honour to inform you that I have received with satisfaction your note dated 7th September, 1944, in which you conveyed the view of the United States Government that the Syrian Government may now be considered representative, effectively independent and in a position satisfactorily to fulfil her international obligations and responsibilities; and that therefore the United States is prepared to extend full and unconditional recognition of the independence of Syria, upon receipt of written assurances that the existing rights of the United States and its nationals, particularly as set forth in the Treaty of 1924 between the United States and France, are fully recognised and will be effectively continued and protected by the Syrian Government, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between the United States and Syria.

The Syrian Government have taken note of the friendly attitude of the United States Government, and they highly appreciate this noble geste. It is my pleasant task to convey to you the assurances of the Syrian Government that the existing rights of the United States and its nationals, particularly as set forth in the Treaty of 1924 between the United States and France, are fully recognised and will be effectively continued and protected, until such time as appropriate bilateral accord may be concluded by direct and mutual agreement between Syria and the United States.

. . .

Jamil MARDAM BEY

His Excellency Mr. George WADSWORTH,
*United States Diplomatic Agent,
Damascus.*

¹ United States, *Treaty Series*, 695.

3. TREATY OF GENERAL RELATIONS BETWEEN THE PHILIPPINES AND THE UNITED STATES. SIGNED AT MANILA, ON 4 JULY 1946¹

The United States of America and the Republic of the Philippines, being animated by the desire to cement the relations of close and long friendship existing between the two countries, and to provide for the recognition of the independence of the Republic of the Philippines as of July 4, 1946 and the relinquishment of American sovereignty over the Philippine Islands, have agreed upon the following articles:

Article I

The United States of America agrees to withdraw and surrender, and does hereby withdraw and surrender, all right of possession, supervision, jurisdiction, control or sovereignty existing and exercised by the United States of America in and over the territory and the people of the Philippine Islands, except the use of such bases, necessary appurtenances to such bases, and the rights incident thereto, as the United States of America, by agreement with the Republic of the Philippines, may deem necessary to retain for the mutual protection of the United States of America and of the Republic of the Philippines. The United States of America further agrees to recognize, and does hereby recognize, the independence of the Republic of the Philippines as a separate self-governing nation and to acknowledge, and does hereby acknowledge, the authority and control over the same of the Government instituted by the people thereof, under the Constitution of the Republic of the Philippines.

. . .

Article IV

The Republic of the Philippines agrees to assume, and does hereby assume, all the debts and liabilities of the Philippine Islands, its provinces, cities, municipalities and instrumentalities, which shall be valid and subsisting on the date hereof. The Republic of the Philippines will make adequate provision for the necessary funds for the payment of interest on and principal of bonds issued prior to May 1, 1934 under authority of an Act of Congress of the United States of America² by the Philippine Islands, or any province, city or municipality therein, and such obligations shall be a first lien on the taxes collected in the Philippines.

Article V

The United States of America and the Republic of the Philippines agree that all cases at law concerning the Government and people of the Philippines which, in accordance with Section 7 (6) of the Independence Act of 1934,³ are pending before the Supreme Court of the United States of America at the date of the granting of the independence of the Republic of the Philippines shall continue to be subject to the review of the Supreme Court of the United States of America for such period

¹ *United States Statutes at Large*, vol. 61, p. 1174. Came into force on 22 October 1946.

² *United States Statutes at Large*, vol. 48, p. 456.

³ *Ibid*, p. 462.

of time after independence as may be necessary to effectuate the disposition of the cases at hand. The contracting parties also agree that following the disposition of such cases the Supreme Court of the United States of America will cease to have the right of review of cases originating in the Philippine Islands.

Article VI

In so far as they are not covered by existing legislation, all claims of the Government of the United States of America or its nationals against the Government of the Republic of the Philippines and all claims of the Government of the Republic of the Philippines and its nationals against the Government of the United States of America shall be promptly adjusted and settled. The property rights of the United States of America and the Republic of the Philippines shall be promptly adjusted and settled by mutual agreement, and all existing property rights of citizens and corporations of the United States of America in the Republic of the Philippines and of citizens and corporations of the Republic of the Philippines in the United States of America shall be acknowledged, respected and safeguarded to the same extent as property rights of citizens and corporations of the Republic of the Philippines and of the United States of America respectively. Both Governments shall designate representatives who may in concert agree on measures best calculated to effect a satisfactory and expeditious disposal of such claims as may not be covered by existing legislation.

Article VII

The Republic of the Philippines agrees to assume all continuing obligations assumed by the United States of America under the Treaty of Peace between the United States of America and Spain concluded at Paris on the 10th day of December, 1898,¹ by which the Philippine Islands were ceded to the United States of America, and under the Treaty between the United States of America and Spain concluded at Washington on the 7th day of November, 1900².

. . .

¹ De Martens, *Nouveau Recueil Général de Traités*, deuxième série, tome XXXII, p. 74. Came into force on 11 April 1899.

² De Martens, *Nouveau Recueil Général de Traités*, deuxième série, tome XXXII, p. 82. Came into force on 23 March 1901.

4. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN INDIA AND THE UNITED STATES RELATING TO THE CONTINUANCE OF COPYRIGHT RELATIONS. WASHINGTON, 21 OCTOBER 1954¹

I

Embassy of India
Washington, D.C.
October 21st, 1954

F.35/54

Excellency,

In accordance with instructions from my Government, I have the honor to refer to the recent conversations held in New Delhi between representatives of our two Governments with respect to the copyright relations between India and the United States after August 15, 1947, the date of the transfer of power pursuant to the Indian Independence Act, 1947. It is my understanding, that, upon receipt of affirmative assurances that after August 15, 1947, as before that date, Indian Law has granted to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, your Government is prepared to have issued a Presidential Proclamation under Section 9(b) of Title 17, United States Code, being the Copyright Law, to continue to grant the protection of that law to citizens of India after August 15, 1947, thereby providing for and affirming the continued existence of copyright relations between our two countries as established prior to the change in the legal status of India.

The legal obligation of India to extend the protection of its Copyright Law to citizens of the United States was not altered by the transfer of power on August 15, 1947. Section 18(3) of the Indian Independence Act, 1947, provided for the continuation, except as otherwise expressly provided, of all laws which existed immediately before the transfer of power. Similarly, the legal obligations of India with respect to copyright were not altered by the creation of the Republic of India on January 26, 1950. Article 372(1) of the Constitution of India provided for continuation of all laws in force immediately before India became a Republic. In view of this, my Government has instructed me to state its assurances that after August 15, 1947, as before that date, citizens of the United States have been and continue to be entitled to the benefits of copyright in India on substantially the same basis as citizens of India, including rights similar to those provided by section 1(e) of the aforesaid Title 17.

Accept, Excellency, etc.

G. L. MEHTA
(G. L. Mehta)
Ambassador of India

The Honourable
The Secretary of State
Department of State,
Washington, D.C.

¹ *United States Treaties and other International Agreements*, vol. 5, p. 2525. Came into force on 21 October 1954.

II

Department of State
Washington
Oct. 21, 1954

Excellency:

I have the honor to acknowledge the receipt of your note of today's date, in which you refer to the recent conversations held in New Delhi between representatives of our two Governments with respect to the copyright relations between India and the United States after August 15, 1947.

You state in your note that the legal obligation of India to extend the protection of its Copyright Law to citizens of the United States was not altered by the transfer of power on August 15, 1947, since Section 18(3) of the Indian Independence Act, 1947, provided for the continuation, except as otherwise expressly provided, of all laws which existed immediately before the transfer of power. You state that similarly the legal obligations of India with respect to copyright were not altered by the creation of the Republic of India on January 26, 1950, since Article 372(1) of the Constitution of India provided for continuation of all laws in force immediately before India became a Republic. You state that in view of this, your Government has instructed you to state its assurances that after August 15, 1947, as before that date, citizens of the United States have been and continue to be entitled to the benefits of copyright in India on substantially the same basis as citizens of India, including rights similar to those provided by Section 1(e) of Title 17 of the United States Code.

I have the honor to inform you that with a view to affirming the continuance of copyright relations between our two countries, as established prior to the change in the legal status of India, the President of the United States of America has issued today a Proclamation, a copy of which is enclosed herewith,¹ declaring and proclaiming, pursuant to the provisions of Section 9(b) of the said Title 17 on the basis of the assurances set forth in your note, that After August 15, 1947, as before that date, the conditions specified in Section 9(b) and 1(e) of the said Title 17 have existed and have been fulfilled with respect to citizens of India, and that citizens of India, after August 15, 1947, as before that date, have been entitled to all the benefits of the said Title 17.

Accept, Excellency, etc.

Herbert HOOVER, Jr.
Acting Secretary

Enclosure:

Proclamation.

His Excellency
Gaganvihari Lallubhai MEHTA,
Ambassador of India.

¹ Not reproduced.

5. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN GHANA AND THE UNITED STATES RELATING TO THE CONTINUED APPLICATION TO GHANA OF CERTAIN TREATIES CONCLUDED BETWEEN THE UNITED STATES AND THE UNITED KINGDOM. ACCRA, 4 SEPTEMBER AND 21 DECEMBER 1957 AND 12 FEBRUARY 1958¹

I

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 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).

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

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

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

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

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

Agreement of March 12, 1937 for the reciprocal reduction of passport visa fees for non-immigrants.²

Convention of March 2, 1899 relating to tenure and disposition of real and personal property, with supplements (Treaty Series 146, 462 and 964).

¹ *United States Treaties and Other International Agreements*, vol. 13, p. 240. Came into force on 12 September 1958.

² Not printed.

Declaration of October 24, 1877 affording reciprocal protection to trade-marks (Treaty Series 138).

Conventions of July 3, 1815 (art. IV¹ only) and August 6, 1827 to regulate commerce (Treaty Series 110 and 117).

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, etc.

(Signed) Wilson C. FLAKE
American Ambassador

His Excellency

Dr. Kwame NKRUMAH,
*Prime Minister,
Minister of Defence and External Affairs,
Accra.*

II

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,² 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.³

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 some future date. I should be grateful if you would confirm that the procedure outlined above is acceptable to the

¹ Superseded by the consular convention of 6 June 1951, listed above.

² Dated 25 November 1957.

³ See GHANA, section A.

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, etc.

A. L. ADU
Permanent Secretary

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

III

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, etc.

(Signed) Wilson C. FLAKE
American Ambassador

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

6. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN ITALY AND THE UNITED STATES AMENDING THE AGREEMENT OF 28 JUNE 1954 FOR A TECHNICAL COOPERATION PROGRAM FOR THE TRUST TERRITORY OF SOMALILAND, ROME, 30 JUNE 1960¹

I

American Embassy
Rome
June 30, 1960

No. 766

Excellency:

I have the honor to refer to recent conversations concerning the desirability, in light of the fact that the Somali Republic will attain independence on July 1, 1960, of amending the Agreement for a Technical Cooperation Program for the Trust Territory of Somaliland under Italian administration between the Government of Italy and the Government of the United States of America, signed at Rome, June 28, 1954,² as amended by the exchange of notes signed at Rome, December 24, 1959.³

In accordance with these conversations, I now have the honor to propose that the Agreement of June 28, 1954, as amended, be further amended by the addition after Article XII of the following new Article XIII:

"Article XIII

"1. Subject to the provisions of this Article, for the purpose of permitting the completion of programs and projects initiated but not completed under this Agreement prior to July 1, 1960, the date upon which the Somali Republic will attain independence, this Agreement, anything herein to the contrary notwithstanding, shall remain in force until thirty days after receipt of notification by either Government of the intention of the other to terminate it or until December 31, 1961, whichever is the earlier.

"It is understood that after June 30, 1960: (a) operations under this Agreement shall be conducted in the Somali Republic only as concurred in, or consented to, by appropriate representatives of the Government of the said Republic; (b) the Government of the United States will assume responsibility for paying expenses of the type mentioned in the last sentence of paragraph 1 of Article V which are incurred after June 30, 1960; and (c) the provisions of Article VIII shall not constitute obligations of the Government of Italy.

"After June 30, 1960, the Government of Italy shall be under no obligation to make contributions to the Somalia Development Fund, nor shall it otherwise be responsible for costs incurred after June 30, 1960, in connection with this Agreement, unless our two Governments should determine it to be necessary to incur costs in excess of amounts available in the Somalia Development Fund to liquidate programs or projects initiated under this Agreement prior to June 30, 1960.

¹ *United States Treaties and Other International Agreements*, vol. 12, p. 3163. Came into force on 30 June 1960.

² *United States Treaties and Other International Agreements*, vol. 5, p. 2922.

³ *Ibid.*, vol. 10, p. 3014.

“2. The rights and obligations of the Government of Italy and the Administering Authority under this Agreement shall, subject to the terms of this Article and notwithstanding any other provisions of this Agreement, cease and terminate and the Government of the Somali Republic shall succeed to such rights and obligations, if and when the said Government, after June 30, 1960, shall give appropriate written notification to the Government of the United States¹ and the Government of Italy of its assumption of such rights and obligations; and from the date of such notification this Agreement shall be deemed to be an Agreement between the Government of the United States and the Government of the Somali Republic. Prerequisite to appropriate notification by the Government of the Somali Republic for purposes of this Article will be the acceptance by that Government of the following conditions: (a) the Committee established under Article III and the Development Fund established Article IV shall be agencies of the Government of the Somali Republic; (b) the Committee shall be composed of one representative each from the Government of the Somali Republic and the Government of the United States; (c) the Government of the United States and the Government of the Somali Republic shall each designate one person to serve as a Co-director of the Somalia Development Fund; (d) the rights and privileges provided for in Article VIII and the undertakings of the Government of Italy provided for in Article IX shall be assured or performed by the Government of the Somali Republic; (e) the rights and privileges to accrue to personnel and to agencies of the Government of the United States under the first and second paragraphs of Article VIII shall be no less than the rights and privileges which are generally enjoyed by governmental divisions and agencies of the Government of the Somali Republic or personnel of such divisions and agencies; and (f) the rate at which funds deposited by the Government of the United States to the credit of the Somalia Development Fund shall be, in accordance with paragraph 8 of Article V, converted to Somali currency, shall be that providing the largest number of units of Somali currency per United States dollar which at the time the conversion is made is not unlawful in the Republic of Somalia.”

I have the honor to propose that, if the foregoing proposal is acceptable to the Government of Italy, the present note and Your Excellency's note in reply concurring therein shall constitute an Agreement between our two Governments further amending the Agreement of June 28, 1954, as amended, which shall be effective as of June 30, 1960.

Accept, Excellency, etc.

J. D. ZELLERBACH

His Excellency
Antonio SEGNI,
Minister for Foreign Affairs,
Rome.

¹ *United States Treaties and Other International Agreements*, vol. 12, p. 3138.

II¹

Ministry of Foreign Affairs
Rome
June 30, 1960

Excellency:

By a note of this date you were good enough to inform me of the following:

[For the English language text of the note, see letter I]

I have the honor to inform you that the Italian Government agrees to the foregoing.

I take pleasure, etc.

SEGNU

His Excellency
James David ZELLERBACH,
*Ambassador of the
United States of America,
Rome.*

7. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE SOMALI REPUBLIC AND THE UNITED STATES RELATING TO THE ASSUMPTION BY THE SOMALI REPUBLIC OF RIGHTS AND OBLIGATIONS UNDER THE UNITED STATES-ITALY TECHNICAL COOPERATION AGREEMENT OF 28 JUNE 1954 AS AMENDED. MOGADISCIO, 28 JANUARY AND 4 FEBRUARY 1961²

I

Embassy of United States of America
Mogadiscio
January 28, 1961

Dear Mr. Minister:

With reference to our conversation of January 26, 1961, I am pleased officially to inform you that the exchange of notes between the Government of Italy and the Government of the United States of America,³ amending the 1954 Technical Co-operation Agreement between Italy and the United States for the Trust Territory of Somaliland under Italian Administration,⁴ was effected in Rome on June 30, 1960. A copy of the Amendment which consisted of a new Article, No. XIII, I delivered to you on January 21, 1961.

¹ Translation from Italian by the Department of State of the United States.

² *United States Treaties and other International Agreements*, vol. 12, p. 3138. Pending the conclusion of negotiations for a new formal agreement, this Technical Cooperation Agreement, which originally was due to expire on 31 December 1961, was subsequently extended three times by exchanges of letters between the Somali Republic and the United States. [See *United States Treaties and Other International Agreements*, vol. 14, p. 400.]

³ *United States Treaties and Other International Agreements*, vol. 12, p. 3163.

⁴ *Ibid.*, vol. 5, p. 2922.

I would appreciate it if you would inform me if the Government of the Somali Republic wishes to succeed to this Agreement.

Sincerely yours,

Andrew G. LYNCH
American Ambassador

His Excellency
Abdullahi ISSA MOHAMUD,
Minister of Foreign Affairs,
Mogadiscio.

II¹

Somali Republic
Ministry of Foreign Affairs
The Minister
Mogadiscio, February 4, 1961

Mr. Ambassador:

I have the honor to refer to the Agreement for a Technical Cooperation Program for the Trust Territory of Somaliland under Italian Administration between the Government of Italy and the Government of the United States of America signed on June 28, 1954, as amended in Rome by exchange of notes between the two Governments, first on December 24, 1959² and then on June 30, 1960. I further refer to paragraph 2 of Article XIII, by virtue of which the rights and obligations formerly assumed by the Italian Government are transferred to the Government of the Somali Republic, effective June 30, 1960; from that date, the Agreement so amended shall be considered an agreement between the Government of the Somali Republic and the Government of the United States of America.

Further, I have the honor to inform you that the Government of the Somali Republic hereby notifies the Government of the United States of America that it is assuming the rights and obligations of the Italian Government and the Administering Authority, as provided in the aforesaid Agreement. Notice to this effect has also been given to the Italian Government. Moreover, the Government of the Somali Republic accepts the conditions specified in paragraph 2 of Article XIII of the Agreement, acceptance of these conditions being a prerequisite to notification by the Somali Government of its assumption of the rights and obligations of the Italian Government and the Administering Authority under the terms of the Agreement.

Accept, Mr. Ambassador, etc.

Abdullahi Issa

His Excellency
Andrew G. LYNCH,
Ambassador of the United States
of America,
Mogadiscio.

¹ Translation from Italian by the Department of State of the United States.

² *United States Treaties and Other International Agreements*, vol. 10, p. 3014.

8. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE REPUBLIC OF CONGO (BRAZZAVILLE) AND THE UNITED STATES RELATING TO THE CONTINUED APPLICATION TO CONGO (BRAZZAVILLE) OF CERTAIN TREATIES CONCLUDED BETWEEN FRANCE AND THE UNITED STATES. BRAZZAVILLE, 12 MAY AND 5 AUGUST 1961¹

I

Embassy of the United States of America,
Brazzaville,
May 12, 1961

The Ambassador of the United States of America presents his compliments to His Excellency the Minister of Foreign Affairs of the Republic of Congo and has the honor to request the views of the Ministry on the present applicability of international agreements concluded by the Government of France on behalf of the Congo territory prior to the independence of the Republic of Congo.

W. W. B.

II²

Republic of Congo
Ministry of
Foreign Affairs

No. 976/ETR.
PD/JM — 4.8.61

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to its note No. 78 of May 12, 1961.

In accordance with the practices of international law and because of the circumstances under which the Republic of Congo attained international sovereignty, the latter considers itself to be a party to the treaties and agreements signed prior to its independence by the French Republic and extended by the latter to its former overseas territories, provided that such treaties or agreements have not been expressly denounced by it or tacitly abrogated by a text replacing them.

S. TCHICHELLE
Minister of Foreign Affairs

Brazzaville, August 5, 1961
Embassy of the
United States of America,
Brazzaville.

¹ *United States Treaties and Other International Agreements*, vol. 13, p. 2065. Came into force on 5 August 1961.

² Translation from French by the Department of State of the United States.

9. EXCHANGE OF NOTES ACCOMPANYING AN AGREEMENT BETWEEN THE DEMOCRATIC REPUBLIC OF THE CONGO AND THE UNITED STATES RELATING TO INVESTMENT GUARANTIES. LEOPOLDVILLE, 25 OCTOBER AND 17 NOVEMBER 1962¹

I

Embassy of the United States of America,
Leopoldville, October 25, 1962

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of the Congo and refers to the agreement relating to guaranties, which agreement was effected by exchange of notes of today's date.

It is the understanding of the Government of the United States of America that all obligations, rights, or actions arising from the application to the Congo of Article III of the Economic Cooperation Agreement between the United States and Belgium, signed at Brussels on July 2, 1948,² as amended, and of the agreement relating to guaranties under Section 111 (b) (3) of the Economic Cooperation Act of 1948,³ as amended, effected by exchange of notes between the United States and Belgium signed at Washington on May 7 and 12, 1952,⁴ remain in force with respect to the Republic of the Congo until all obligations in connection with any guaranties issued by the Government of the United States in accordance with the said application of the agreements to the Congo shall have been discharged.

The Government of the United States would appreciate a confirmation of the concurrence of the Government of the Republic of the Congo in this view.

D F M

II⁵

Republic of the Congo
Ministry of Foreign Affairs

No. 12/130/1187/CAB/AE/62.

The Ministry of Foreign Affairs of the Republic of the Congo presents its compliments to the Embassy of the United States of America and has the honor to refer to the Embassy's memorandum of October 25, 1962 the French translation of which follows:

[See note I above]

In the name of the Government of the Republic of the Congo, the Ministry of Foreign Affairs confirms the agreement set forth in the note of October 25, 1962, from the Embassy of the United States and avails

¹ *United States Treaties on Other International Agreements*, vol. 14, p. 285. Came into force on 17 November 1962.

² *United States Statutes at Large*, vol. 62, p. 2174.

³ *Ibid.*, p. 144.

⁴ *United States Treaties and Other International Agreements*, vol. 3, p. 4285.

⁵ Translation from French by the Department of State of the United States.

itself of this occasion to renew to the Embassy of the United States of America the assurances of its highest consideration.

[SEAL]

Leopoldville, November 17, 1962.

[Initialed]

Embassy of the United States of America,
Léopoldville.

10. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN TRINIDAD AND TOBAGO AND THE UNITED STATES RELATING TO THE CONTINUED APPLICATION OF CERTAIN AVIATION AGREEMENTS TO SCHEDULED SERVICES BETWEEN THE UNITED STATES AND THE CARIBBEAN AREA. PORT OF SPAIN, 27 SEPTEMBER 1962 AND ST. ANN'S, 8 OCTOBER 1962¹

I

The Chargé d'Affaires ad interim of the United States of America presents his compliments to the Minister of External Affairs of the Government of Trinidad and Tobago and has the honor to refer to the Air Transport Services Agreement of 1946,² as amended, between the United States and the United Kingdom, and to the collateral exchange of notes dated November 22, 1961.³

With the assumption by the Government of Trinidad and Tobago of pertinent international civil aviation rights and obligations of the United Kingdom, it is understood that the provisions of the agreements under reference will continue to apply to the operation of scheduled services between the United States and the Caribbean area by the airlines of the United States and Trinidad and Tobago pending the conclusion of a new air transport agreement between the two Governments. While the Government of the United States of America wishes to register its willingness to negotiate a new agreement with the Government of Trinidad and Tobago at a mutually convenient future date, there is no urgency with respect to the basic Agreement, which is of indefinite duration. On the other hand, with the expiration of the collateral exchange of notes on October 1, 1962, it appears beneficial to both Governments to make some interim arrangement assuring the temporary continuance of the rights exercised thereunder.

Therefore, the Government of the United States of America proposes extension of the rights accorded by the mentioned exchange of notes until they are superseded by other mutually agreed arrangements. If this proposal is acceptable, it is suggested that this note and the reply thereto indicating concurrence by the Government of Trinidad and Tobago constitute an agreement to that effect entering into force on the date of the note in reply.

Accordingly, concerning the current application before the United States Civil Aeronautics Board by British West Indian Airways for renewal of authority to operate scheduled airline services over the route Antigua-New York, the Government of the United States of America, to the extent of its legal powers, will be prepared to concur in the con-

¹ *United States Treaties and Other International Agreements*, vol. 13, p. 2463. Came into force on 8 October 1962.

² *United States Statutes at Large*, vol. 60, p. 1499.

³ *United States Treaties and Other International Agreements*, vol. 13, p. 171.

tinuation of such services by the flag carrier of Trinidad and Tobago, pending conclusion of suitable underlying intergovernmental arrangements.

Embassy of the United States of America,
Port of Spain,
September 27, 1962.

II

The Minister of External Affairs presents his compliments to the Chargé d'Affaires ad interim of the United States and has the honour to refer to his Note I dated 27th September, 1962, concerning the Air Transport Services Agreement of 1946, as amended, between the United States and the United Kingdom and the collateral exchange of Notes dated November 22, 1961.

The Government of Trinidad and Tobago is gratified by the expression of willingness on the part of the Government of the United States of America to negotiate a new Agreement at a mutually convenient future date and to make some interim arrangement assuring the temporary continuance of the rights exercised under the collateral exchange of Notes which expires on October 1st, 1962.

Accordingly the Government of Trinidad and Tobago hereby states that the proposal made by the Government of the United States of America to extend the rights accorded by the mentioned exchange of Notes until they are superseded by other mutually agreed arrangements is acceptable and concurs in the suggestion that this present exchange of Notes constitute an Agreement to that effect entering into force on the date of this Note.

The Minister of External Affairs avails himself of this opportunity to renew to the Chargé d'Affaires ad interim of the United States of America the assurances of his high consideration.

[SEAL]

Ministry of External Affairs,
Old Governor-General's Secretariat,
St. Ann's,
8th October, 1962.

11. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN JAMAICA AND THE UNITED STATES RELATING TO THE CONTINUED APPLICATION OF CERTAIN AVIATION AGREEMENTS TO SCHEDULED SERVICES BETWEEN JAMAICA AND THE UNITED STATES. KINGSTON, 25 OCTOBER AND 29 NOVEMBER 1962¹

I

Kingston, October 25, 1962

No. 33

Excellency:

I have the honor to refer to the Air Transport Services Agreement of 1946,² as amended, between the United States and the United

¹ *United States Treaties and Other International Agreements*, vol. 13, p. 2719. Came into force on 29 November 1962.

² *United States Statutes at Large*, vol. 60, p. 1499.

Kingdom, and to the collateral exchange of notes dated November 22, 1961.¹

With the assumption by the Government of Jamaica of the pertinent international civil aviation rights and obligations of the United Kingdom, it is understood that the provisions of the referenced documents will continue to be applicable to the operation of scheduled air services between the United States and Jamaica, pending conclusion of a new air transport agreement between the two Governments. While the basic Agreement is of indefinite duration, and thus the Governments of the United States and Jamaica may defer its renegotiation until a mutually convenient future date, the referenced exchange of notes will expire on October 1, 1962. It appears advantageous to both Governments to conclude an interim arrangement assuring a temporary continuance of present services by the respective airlines.

The United States therefore proposes the extension of the rights accorded by the referenced exchange of notes, in so far as applicable to Jamaica, pending conclusion of a bilateral air transport agreement between the United States and Jamaica, or until other mutually agreed arrangements supersede them. If this proposal is acceptable, it is suggested that this note and the reply thereto indicating concurrence by the Government of Jamaica constitute an agreement to that effect entering into force on the date of the note in reply.

Accordingly, it would be understood that the Government of Jamaica would assent to the continuance of present airline services operated between New York and Jamaica by Pan American World Airways, Inc. It is further understood that, pending conclusion of a bilateral air transport agreement, or other suitable arrangements, the United States Government, to the extent of its legal powers, would pose no objection to the continuance for the time being of airline services to the United States originating in Jamaica and operated by British West Indian Airways, although the latter bears the nationality of Trinidad and Tobago.

Accept, Excellency, etc.

Irving G. CHESLAW
Chargé d'Affaires ad interim

His Excellency
Sir Alexander BUSTAMANTE,
*Prime Minister of Jamaica and
Minister of External Affairs,
Kingston.*

¹ *United States Treaties and Other International Agreements*, vol. 13, p. 171.

II

Jamaican Foreign Service
29th November, 1962

81/01

Sir,

I have the honour to acknowledge the receipt of your Note No. 33 of the 25th of October, 1962, which reads as follows:—

[See note I above]

I have pleasure in confirming that the Government of Jamaica are in agreement with the provisions set out in your Note, and that your Note and this reply shall constitute an agreement between the two Governments.

Please accept etc.

Alexander BUSTAMANTE
Prime Minister
and Minister of External Affairs and Defence

His Excellency
William C. DOHERTY,
Ambassador,
American Embassy,
Kingston.

12. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN JAMAICA AND THE UNITED STATES RELATING TO INVESTMENT GUARANTIES. KINGSTON, 11 DECEMBER 1962 AND 4 JANUARY 1963¹

6. The present Agreement shall, as between the parties to this Agreement, terminate and replace the provisions of Article III, as amended, of the Economic Cooperation Agreement between the United States of America and the United Kingdom signed at London on July 6, 1948,² relating to guaranties of convertibility; provided that all obligations, rights, or actions arising from that Article prior to its termination shall remain in force beyond the date of termination of that Article until all obligations in connection with any guaranties issued by the Government of the United States of America in accordance with the said Article shall have been discharged, as between the parties to the present Agreement.

¹ *United States Treaties and Other International Agreements*, vol. 14, p. 1. Came into force on 4 January 1963.

² *United States Statutes at Large*, vol. 62, p. 2596; *United States Treaties and Other International Agreements*, vol. 1, p. 184; vol. 2, p. 1292; vol. 11, p. 2680.

13. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN TRINIDAD AND TOBAGO AND THE UNITED STATES RELATING TO INVESTMENT GUARANTIES. PORT OF SPAIN, 8 AND 15 JANUARY 1963¹

. . .

6. The present Agreement shall, as between the parties to this Agreement, terminate and replace the provisions of Article III, as amended, of the Economic Cooperation Agreement between the United States of America and the United Kingdom signed at London on July 6, 1948² relating to guaranties of convertibility; provided that all obligations, rights, or actions arising from that Article prior to its termination shall remain in force beyond the date of termination of that Article until all obligations in connection with any guaranties issued by the Government of the United States of America in accordance with the said Article shall have been discharged, as between the parties to the present Agreement.

. . .

II. NOTES

Examples of United States practice as depositary of multilateral conventions in cases of State succession

The depositary practice of the United States with respect to newly independent States has been, in general, to recognize the right of such States to declare themselves bound uninterruptedly by multilateral treaties of a non-organizational type concluded in their behalf by the parent State before the new State emerged to full sovereignty. The United States likewise recognizes the right of a newly independent State to deposit its own instrument of acceptance of such treaties, effective from the date of deposit of the new instrument. With respect to organizational type treaties, it has been customary practice to accept from a newly independent State an instrument of acceptance in its own name, whereby the new State is admitted to separate membership in the organization in accordance with the provisions of the treaty.

The following are some representative examples of United States practice as depositary:

- (a) *International Air Services Transit Agreement. Signed at Chicago on 7 December 1944*³

1. Several newly independent States have stated they consider themselves bound by earlier acceptance by the parent State, either from the date of such prior acceptance or from the date of attainment of independence. They have not been required to deposit a new instrument of acceptance.

¹ *United States Treaties and Other International Agreements*, vol. 14, p. 113. Came into force on 15 January 1963.

² *United States Statutes at Large*, vol. 62, p. 2596; *United States Treaties and Other International Agreements*, vol. 1, p. 184; vol. 2, p. 1292; vol. 11, p. 2680.

³ *United States Statutes at Large*, vol. 59, p. 1963. See also: *United Nations Treaty Series*, vol. 84, p. 389. Came into force on 30 January 1945.

(i) *Pakistan*

The United States received a note dated 24 March 1948 from the Ambassador of Pakistan stating that:

“... by virtue of the provisions in clause 4 of the Schedule of the Indian Independence (International Arrangements) Order, 1947, the International Air Services Transit Agreement signed by United India continues to be binding after the partition on the Dominion of Pakistan.”

This was considered as binding the State of Pakistan from the date of partition from India, i.e. 15 August 1947.

(ii) *Ceylon*

The *Chargé d’Affaires ad interim* of Ceylon informed the Secretary of State by a note dated 1 April 1957 that:

“... although no notice was given by Ceylon of adherence to the Transit Agreement, the Government of Ceylon considers itself a party to the International Air Services Transit Agreement since 31st May, 1945, the date on which the United Kingdom Government accepted the Agreement...”

Ceylon has been listed, since receipt of that note, on the official status list as a party to the Transit Agreement as of 31 May 1945.

(iii) *Malaya*

The Ministry of External Affairs of the Federation of Malaya notified the Secretary of State by note dated 15 September 1959 that:

“... with reference to the International Air Services Transit Agreement ... signed on behalf of Malaya by the United Kingdom on 31st May, 1945, ... the Federation of Malaya accepts the Agreement and the obligations resulting thereby.”

In reply to a query from the Department whether this note was intended as a “new” acceptance to be effective on receipt or as confirming that Malaya considered itself a party to the agreement since 31 May 1945, the date of acceptance by the United Kingdom, the Minister of External Affairs stated that:

“... the Federation of Malaya considers itself a party to this Agreement as from 31st May, 1945.”

Malaya is accordingly listed on the official status list as a party from 31 May 1945.

2. Some newly independent States, although stating they considered themselves bound by the earlier action of the parent State, have accepted the agreement with a new instrument which has been deemed effective from the date of its receipt.

(iv) *Dahomey*

The Foreign Ministry of Dahomey notified the United States Embassy at Cotonou by note dated 12 April 1963 of the adherence of Dahomey to the Transit Agreement, in conformance with Article VI. The note states that:

“The Dahomean Government has always considered itself bound by

the agreement, application of which had been extended by France to its territory before its accession to independence.”

The notification was received in the Department on 23 April 1963 and the Dahomean acceptance has been considered effective on that date.

(v) *Madagascar*

The Ministry of Foreign Affairs of Madagascar by note dated 28 April 1962 informed the United States that:

“... the Malagasy Republic has decided to consider itself bound by the International Air Services Transit Agreement, signed at Chicago on December 7, 1944, the application of which was extended to the territory of the Malagasy Republic before its accession to independence.”

The Department accepted the note as a notification of acceptance pursuant to Article VI, effective upon the date of its receipt in the Department, 14 May 1962.

3. Many of the newly independent States have declared in their own name their acceptance of the agreement without reference to the prior action of the parent State. Their notifications have been accepted in accordance with Article VI, effective on the date of receipt. Several such accepting countries are listed below:

	<i>Date of deposit</i>
Cameroun	3 March 1960
Nigeria	25 January 1961
Senegal	8 March 1961
Ivory Coast	20 March 1961
Cyprus	12 October 1961
Tunisia	26 April 1962
Trinidad and Tobago	13 April 1963

(b) *Convention of the World Meteorological Organization. Signed at Washington, on 11 October 1947*¹

Most of the newly independent States have acceded to the WMO Convention, each in its own name. None has claimed to be a party by reason of a former parent State's ratification. In many cases the Convention had been previously applied to the respective territories by the State responsible for their international relations. Some territories were "Territory Members", such as Madagascar and Tunisia; others comprised a part of such a "Territory Member", such as Uganda which was included in the "Territory Member" of "British East African Territories". In either case, the Convention was being applied in that area before the newly independent State acceded in its own name.

Among the countries which have recently deposited accessions, effective 30 days after deposit, are:

¹ *United States Treaties and Other International Agreements*, vol. 1, p. 281. See also: United Nations, *Treaty Series*, vol. 77, p. 143. Came into force on 23 March 1950.

	<i>Date of deposit</i>
Ivory Coast	31 October 1960
Madagascar	15 December 1960
Trinidad and Tobago.	1 February 1963
Rwanda	4 February 1963
Uganda	15 March 1963
Algeria	4 April 1963
Cyprus	11 April 1963
Jamaica	29 May 1963

(c) *International Wheat Agreement, 1959. Opened for signature at Washington, from 6 April through 24 April 1959*¹

Nigeria and Sierra Leone

Article 22 of the Agreement provides for the continuation in being of the International Wheat Council, established by the International Wheat Agreement of 1949, providing that "each exporting country and each importing country shall be a voting member of the Council and may be represented at its meetings by one delegate, alternates, and advisers." Namely, this is an "organizational" type of agreement.

Article 37, paragraph (3) provides that any Government may, at any time after its acceptance of or accession to the Agreement, by notification to the Government of the United States of America, declare that its rights and obligations under the Agreement shall apply in respect of all or any of the non-metropolitan territories for the international relations of which it is responsible.

By a notification dated 24 November 1959, the United Kingdom made such a declaration in behalf of a number of its territories, including the Federation of Nigeria and Sierra Leone.

After gaining its independence, the Federation of Nigeria acceded to the Agreement in its own name on 16 June 1961 by the deposit of an instrument of accession. The instrument, which was signed and sealed by the Prime Minister of Foreign Affairs and Commonwealth Relations of the Federation of Nigeria, stated that:

"... the Government of the Federation of Nigeria, having considered the Agreement aforementioned, hereby accede to the same and undertake faithfully to carry out all the stipulations therein contained."

Sierra Leone similarly acceded to the Agreement by an instrument of accession deposited on 30 November 1961. The instrument was signed "For and on Behalf of the Government of Sierra Leone" by the Minister of External Affairs, and stated that:

"The Government of Sierra Leone hereby states that it accepts the obligations of an importing country as contained in the provisions of the said Agreement."

¹ *United States Treaties and Other International Agreements*, vol. 10, p. 1477. See also: United Nations, *Treaty Series*, vol. 349, p. 167. Parts, I, III to VIII of the Agreement came into force on 16 July 1959, and Part II on 1 August 1959.

(d) *Convention on International Civil Aviation. Signed at Chicago on 7 December 1944¹*

The following newly independent States have adhered to this Convention, which established the International Civil Aviation Organization (ICAO), by depositing instruments of adherence in their own name, effective 30 days after date of deposit:

	<i>Date of deposit</i>
Pakistan	6 November 1947
Ceylon	1 June 1948
Ghana	9 May 1957
Federation of Malaya	7 April 1958
Guinea	27 March 1959
Cameroun	15 January 1960
Ivory Coast	31 October 1960
Mali	8 November 1960
Senegal	11 November 1960
Nigeria	14 November 1960
Cyprus	17 January 1961
Niger	29 May 1961
Dahomey	29 May 1961
Central African Republic	28 June 1961
Congo (Leopoldville)	27 July 1961
Sierra Leone	22 November 1961
Mauritania	13 January 1962
Gabon	18 January 1962
Upper Volta	21 March 1962
Madagascar	14 April 1962
Tanganyika	23 April 1962
Congo (Brazzaville)	26 April 1962
Chad	3 July 1962
Trinidad and Tobago	14 March 1963
Jamaica	26 March 1963 ²
Algeria	7 May 1963

¹ *United States Statutes at Large*, vol. 61, p. 1180. See also: United Nations, *Treaty Series*, vol. 15, p. 295. Came into force on 4 April 1947.

² The Jamaican Embassy note transmitting the instrument of adherence asks if the date on which this notification is received by the United States Government could be indicated as early as possible, in order that the date on which adherence by the Government of Jamaica becomes effective can be determined. The note continues: "For the purposes of record, it is indicated that prior to achieving Independence Jamaica was a party to the Convention concerned by virtue of the adherence thereto by the United Kingdom." The Department replied: "In accordance with . . . Article 92 of the Convention, the adherence of Jamaica thereto will take effect on April 25, 1963. It is observed in this connection that, as indicated in the Embassy's note, the Convention was in force in Jamaica prior to its independence, by virtue of the previous signature and ratification thereof by the Government of the United Kingdom and Northern Ireland."

B. DIPLOMATIC CORRESPONDENCE

1. MEMORANDUM OF 26 SEPTEMBER 1949 FROM THE GOVERNMENT OF ISRAEL TO THE AMERICAN EMBASSY IN TEL-AVIV ON THE APPLICABILITY TO ISRAEL OF THE EXTRADITION TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN OF 22 DECEMBER 1931¹

In response to informal inquiries, the Government of Israel sent to the Consular Section of the American Embassy the following memorandum, which had been prepared by the Office of the Chief Legal Adviser, Ministry of Foreign Affairs of Israel and approved by the United States Division of that Ministry:

1. It is the view of the Government of Israel that, generally speaking, treaties to which Palestine was a party, or which the Mandatory Government had applied to Palestine, are not in force in relation to the Government of Israel. This applies to the Extradition Treaty of 22 December 1931 between the United States of America and Great Britain, which is not in force in relation to Israel.

2. In normal cases and pending the conclusion of new extradition treaties, the Government of Israel would be prepared to consider favourable an *ad hoc* arrangement for the extradition of a criminal.

3. The procedure in matters of extradition is regulated by the Extradition Ordinance (Drayton, Laws of Palestine, Chapter 56), which of course was continued in force as part of the internal law of Israel, by virtue of Section 11 of the Administration and Justice Ordinance 5708-1948, mentioned in the last paragraph of the informal inquiry. As this Section only referred to the law which was in force in Palestine on the 14 May, 1948, it did not have the effect of prolonging the validity of international treaties by which Palestine was bound.

4. The United States Consulate is accordingly advised to discuss the matter direct with the Ministry of Justice, who will be able to indicate whether the alleged offence is extraditable, and if so what is the precise procedure to be followed.

2. CORRESPONDENCE BETWEEN THE MINISTRY OF EXTERNAL AFFAIRS OF THE FEDERATION OF MALAYA AND THE AMERICAN EMBASSY IN KUALA LUMPUR RELATING TO THE CONTINUATION IN FORCE OF THE EXTRADITION TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN OF 1931, 15 OCTOBER AND 17 NOVEMBER 1958²

I

*Aide-Mémoire dated 15 October 1958 from
the American Embassy in Kuala Lumpur*

With reference to the conversation on October 15, 1958 between Inche Abdul Hamid bin Pawancheek, Assistant Secretary of the Ministry of External Affairs and Mr. Michael E. C. Ely, Second Secretary of the Embassy of the United States of America, it will be recalled that

¹ *United States Statutes at Large*, vol. 47, p. 2122. See also: League of Nations, *Treaty Series*, vol. CLXIII, p. 59.

² *United States Statutes at Large*, vol. 47, p. 2122. See also: League of Nations, *Treaty Series*, vol. CLXIII, p. 59. Came into force on 24 June 1935.

Mr. Ely made the following remarks concerning extradition between the United States of America and the Federation of Malaya.

In 1931, the United States of America and Great Britain signed a treaty of extradition, which by virtue of Article 2 extended to Malacca and Penang as part of the former Crown Colony of the Straits Settlements. The 1931 treaty was extended, pursuant to Article 17 thereof, to the Federated Malay States of Perak, Selangor, Negri Sembilan and Pahang, and to the unfederated Malay States of Johore, Kedah, Kelantan Perlis and Trengganu, as specified by note of July 31, 1939, from the British Ambassador to the United States of America to the Secretary of State.

It is therefore the view of the Department of State that the extradition treaty of 1931 between the United States of America and Great Britain extended to all the States and former Colonies which now constitute the Federation of Malaya. It is further the view of the Department of State that the assumption by the Government of the Federation of Malaya by the Agreement of September 12, 1957, between the Federation and the United Kingdom, of all obligations and responsibilities of the Government of the United Kingdom which arise from any valid international instrument, extends the 1931 treaty into force between the United States of America and the Federation of Malaya.

Embassy of the United States of America,
Kuala Lumpur,
October 15, 1958

II

*Note dated 17 November 1958 from the Ministry of
External Affairs of the Federation of Malaya*

The Ministry of External Affairs, Federation of Malaya, presents its compliments to the Embassy of the United States of America and with reference to the latter's *Aide-Mémoire* dated October 15, 1958 setting out the view of the Department of State regarding the validity of the extradition treaty of 1931 between the United States of America and the Federation of Malaya, has the honour to say that the Federation government concurs with the view of the State Department stated therein.

The Federation government accepts the responsibilities and obligations of the extradition treaty of 1931 concluded between the United Kingdom and the United States and regards the treaty as binding between the latter and the Federation of Malaya.

Your *Aide-Mémoire* of 15th October, 1958 and this Note is to be regarded as constituting the agreement in this matter.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

[SEAL]

Kuala Lumpur,
17th November 1958

3. NOTE FROM THE BRITISH AMBASSADOR TO SECRETARY OF STATE OF THE UNITED STATES CONVEYING THE VIEW OF THE GOVERNMENT OF TANGANYIKA CONCERNING THE APPLICATION OF THE AGREEMENT OF 1951 FOR TECHNICAL COOPERATION IN RESPECT OF BRITISH DEPENDENCIES. WASHINGTON ON 7 DECEMBER 1961¹

British Embassy
Washington D.C.
December 7, 1961

Sir,

I have the honour to refer to my Note No. 296 of the 14th of July, 1961, which notified the application of the Agreement for Technical Cooperation to certain British dependencies in East Africa.

2. I now have the honour, upon instruction from Her Majesty's Principal Secretary of State for Foreign Affairs, to convey to you the views of the Government of Tanganyika concerning the application of the Agreement to that country following its attainment of independence on the 9th of December 1961. The Tanganyika Government considers the Agreement is not one to which it would be obliged to succeed automatically after independence. In particular, before entering into a fresh agreement with the United States Government, it would wish to secure a modification of the provision relating to exemptions from taxation and customs duties contained in Article 4(d) of the existing Agreement. The Tanganyika Government wishes therefore to suggest that negotiations for a fresh agreement be initiated in Dar es Salaam at the earliest opportunity. Her Majesty's Government in the United Kingdom endorses the request of the Tanganyika Government.

3. I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

(Signed) David ORMBY GORE

The Honourable Dean Rusk,
Secretary of State of the United States of America,
Washington D.C.

¹ *United States Treaties and Other International Agreements*, vol. 2, p. 1307. See also: United Nations, *Treaty Series*, vol. 105, p. 71. Came into force on 13 July 1951.

4. EXCHANGE OF NOTES DATED 2 APRIL AND 24 AUGUST 1962 BETWEEN THE PRIME MINISTER'S OFFICE OF TANGANYIKA AND THE AMERICAN EMBASSY IN DAR ES SALAAM CONCERNING THE CONVENTION OF 10 FEBRUARY 1925 BETWEEN THE UNITED KINGDOM AND THE UNITED STATES RELATING TO THE RIGHTS OF THE GOVERNMENTS OF THE TWO COUNTRIES AND THEIR RESPECTIVE NATIONALS IN THE FORMER GERMAN COLONY OF THE EAST AFRICA¹

I

Prime Minister's Office,
P.O. Box 9000
Dar es Salaam
Tanganyika

Ref. No. PMC. 210/088

2nd April, 1962

Sir,

I have the honour to refer to the Convention signed by the United States of America and the United Kingdom in 1925, respecting the "Rights of the Governments of the two Countries and their respective Nationals in the former German Colony of East Africa".

2. This Convention recites the Mandate for Tanganyika, and its purpose was to secure to United States nationals the same rights and benefits enjoyed by nationals of Member States of the League of Nations under the terms of the Mandate.

3. It would appear that the Convention from its very nature lapsed on the attainment of independence by Tanganyika. I would assume that this is also the view of your Government, but would nevertheless be glad to have confirmation of this from you.

I have the honour to be, with high consideration, Sir, your obedient servant,

(Signed) F. M. MIFSUD
for Permanent Secretary,
External Affairs and Defence

The American Chargé d'Affaires,
U.S. Embassy,
Dar es Salaam

II

Dar es Salaam
August 24, 1962

No. 4

Sir,

I have the honor to refer to your note of April 2, 1962 (your reference No. PMC. 210/088), on the Convention between the United States of America and Great Britain concerning the rights of their respective nationals in the former Germany Colony of East Africa, signed at London on February 10, 1925.

¹ League of Nations, *Treaty Series*, vol. LV, p. 119. Came into force on 8 July 1926.

I also have the honor to inform you that the Government of the United States of America considers that the aforementioned Convention has not continued in force after the attainment of independence by Tanganyika.

Accept, Sir, the renewed assurances of my high consideration.

Thomas R. BYRNE
Chargé d'Affaires ad interim

Dr. V. K. KYARUSI,
Permanent Secretary,
External Affairs and Defence,
Prime Minister's Office
Dar es Salaam

5. NOTE DATED 4 DECEMBER 1962 FROM THE MINISTRY OF FOREIGN AFFAIRS OF MADAGASCAR TO THE AMERICAN EMBASSY IN TANANARIVE RELATING TO THE RIGHTS AND OBLIGATIONS CONTRACTED FOR MADAGASCAR IN TREATIES SIGNED BY FRANCE PRIOR TO MADAGASCAR'S ACCESSION TO INTERNATIONAL SOVEREIGNTY¹

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to inform it, with reference to its Note No. 107 dated October 29, 1962, that no official act specifies, in the agreements with the French Republic, the juridical position of the Malagasy Republic with regard to the rights and obligations contracted for Madagascar in the treaties, agreements, and conventions signed by France prior to Madagascar's accession to international sovereignty.

In accordance with usage, the Malagasy Republic considers itself implicitly bound by such texts unless it explicitly denounces them.

The Ministry of Foreign Affairs informs the Embassy of the United States of America that, in order to avoid any ambiguity, the Malagasy Republic transmits, as soon as it is in a position to reach an affirmative decision on each of the texts in question, a formal declaration in which it declares itself bound by the Treaty, the Agreement or the Convention under consideration. This procedure has already been applied at various times, particularly to Conventions deposited with the Secretary General of the United Nations. All useful particulars concerning this point may be found in the published editions of the document entitled *Status of Multilateral Conventions*, published by the United Nations.

The same applies to other Conventions, such as those of Chicago and Warsaw on air navigation.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.

*For the Minister of Foreign
Affairs and Relations with
the States of the Community:*
(Signed) Calvin TSIEBO

*Vice President of the Government and
Acting Foreign Minister*

[Seal of Ministry for
Foreign Affairs]

¹ Translation from French by the Department of State of the United States.