

**Zur
US-amerikanischen Einflussnahme
auf Iranische Sicherheitseinrichtungen seit 1942**

Versuch eines Beitrags zum Weltfrieden
von MAG. ARTHUR H. LAMBAUER

Bei [FRUS](#), 1943, *The Near East and Africa, Volume IV*, findet sich ein Kapitel, [Iran](#), in welchem, auf Seite [526](#), eine Depesche des [LOUIS G. DREYFUS jr.](#) (siehe auch [hier](#) dessen Vater!) als Außerordentlichen Gesandten und bevollmächtigten Ministers in Teheran, der Vereinigten Staaten von Amerika, an deren Staatssekretär ([CORDELL HULL](#)) wiedergegeben wird, welche vollständig lautet, wie folgt:

891.20/208

The Minister in Iran (Dreyfus) to the Secretary of State

No. 534

TEHRAN, April 27, 1943.

[Received May 11.]

SIR: I have the honor to enclose a copy²⁶ of a draft of a proposed Iranian Law authorizing the employment of a *Gendarmerie* Mission.

The Iranian Government does not wish to present to the Majlis the long and complicated draft prepared by the Department and forwarded to the Legation under cover of Instruction No. 186 of January 28, 1943.²⁷ The Prime Minister feels that the proper way to handle this matter is for the Majlis to pass an authorizing law on which the agreement, embodying the provisions outlined by the Department, will be based. Iranian law provides that foreign advisers may be employed only on specific authorization of the Majlis and that the covering law must include the following information: position to be filled; nationality of person to be employed; duration of contract; salary to be paid; and statement that person employed is not to interfere in the political affairs of the country.

The Department's attention is invited to the clause which provides that the salaries and allowances of members of the mission shall be the same as those paid by the United States Government to officers of the same grade and length of service on foreign duty. I am not sure that this clause meets with the approval of the War Department and would appreciate receiving telegraphic clarification on this point.

I have noted that the draft agreement calls for signature in Washington and assume that the Department wishes to adhere to this procedure. I am discussing the draft with the Iranian Government and will submit their reactions and suggested amendments to the Department as soon as possible.

Respectfully yours,

LOUIS G. DREYFUS, JR.

Mit Telegramm vom 18. Mai 1943 (FRUS, aaO, [527](#)) teilte HULL DREYFUS mit, was folgt:

891.20/207 : Telegram

The Secretary of State to the Minister in Iran (Dreyfus)

WASHINGTON, May 18, 1943—1 p. m.

242. Your 443, April 28.²⁸ The following schedule of additional compensation for members of the proposed United States Military Mission to Iran has been computed in accordance with the formula approved by the President on May 18, 1943.

Chief of Mission	\$4,207
Assistant Chief of Mission	\$3,907
All other commissioned officers	\$3,757
Enlisted men	\$2,705

However, as indicated in the Department's instruction no. 155 of November 5, 1942²⁹ no compensation can be accepted by members of the Mission from the Iranian Government until the proposed agreement is signed.

HULL

²⁶ Not printed; it transmitted request of General Ridley that War Department telegraph scale of wages it was prepared to approve for American Army officers on detached civilian duty in Iran.

²⁷ *Foreign Relations, 1942*, vol. iv, p. 260.

Die darin zitierte Instruktion vom 5. November 1942 (FRUS, 1942, *The Near East and Africa, Volume IV, 260*) lautet:

891.105A/7

The Secretary of State to the Minister in Iran (Dreyfus)

No. 155

WASHINGTON, November 5, 1942.

The Secretary of State refers to the Department's telegram no. 238 of September 9, 1942, regarding the expected enactment by the Congress of a bill which would permit the detail of officers of the American armed forces to assist the governments of certain foreign countries, including Iran. The bill in question was signed by the President on October 1, 1942,^{ss} and there is enclosed, for the information of the Minister and any American officers in Iran who may be concerned, a copy of the original Act of May 19, 1926,^{ss} together with its amendments of May 14, 1935st and October 1, 1942. It will be observed that in territories outside the Western Hemisphere, with the exception of the Philippine Islands, details under the authority of the Act are restricted to the duration of war or a declared national emergency.

As the Minister has been informed, it will be necessary to prepare an agreement, to be signed by the American and Iranian Governments, to cover the services of any American officers who may be detailed to Iran under the authority of the Act of 1926 as amended. The Department is at present engaged in drafting such an agreement for the mission of Colonel H. Norman Schwarzkopf and his assistants.

However, the War Department has advised the Department that the officers concerned need not await the conclusion of the agreement to assume such assimilated Iranian rank and to wear such Iranian uniforms and insignia as may be considered desirable. The Minister is requested to advise Colonel Schwarzkopf in this sense, explaining that the authorization is merely permissive and that he and his assistants may elect to continue to wear their American uniforms, if they consider it preferable. He should further be advised that he and his assistants should accept no compensation from the Iranian Government at this time.

^{ss} 56 Stat. 763.

^{ss} 44 Stat. (pt. 2) 565.

st 49 Stat. 218.

Der hier zuvor genannte *Act To authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters, 19th May 1926*, findet sich in [44 Stat. 565](#) und lautet:

CHAP. 334.—An Act To authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters.

May 19, 1926.
[S. 1480.]
(Public, No. 247.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is, authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, and Santo Domingo, in military and naval matters: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States.

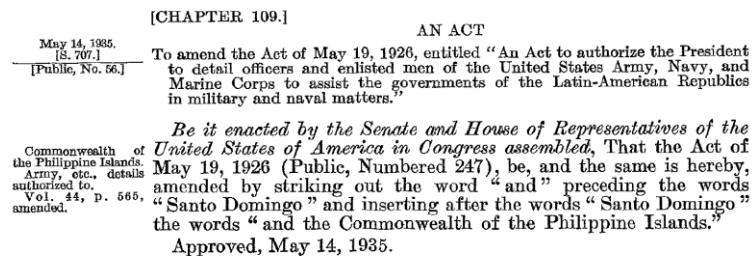
Latin American Republics.
Details from Army, Navy, and Marine Corps to, authorized to assist them in military and naval affairs.

Proviso.
Acceptance of pay, etc., by the governments allowed.

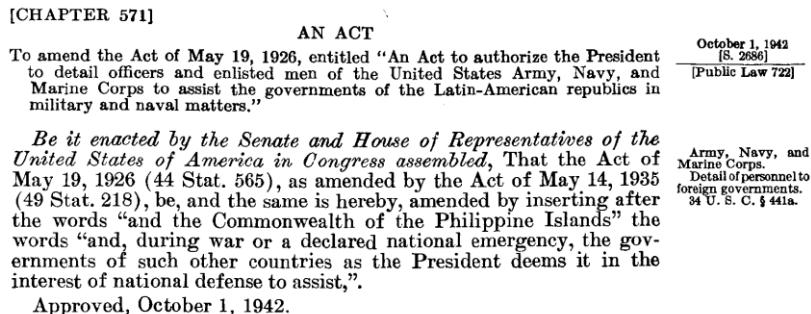
Regular pay, service credit, etc., continued.

Approved, May 19, 1926.

Es wurde am 14. Mai 1935 durch den folgenden Act, [49 Stat. 218](#), geändert:

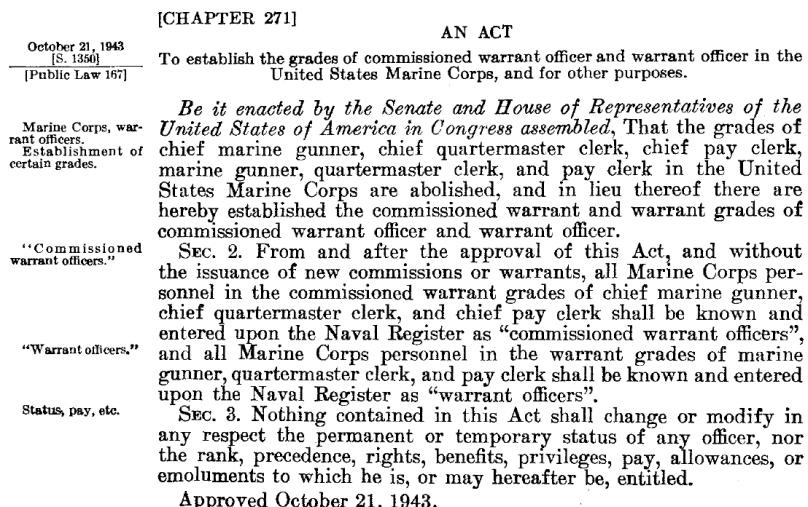


Außerdem ein weiteres Mal durch den Act vom 1. Oktober 1942, [56 Stat. 763](#), welches folgt:



Man beachte hier, dass der Krieg mit Deutschland noch nicht einmal aufgrund des 2+4-Vertrages vom 12. September 1990¹ unstrittig als beendet angesehen worden ist, zumal es sich hierbei nicht um einen ausdrücklichen Friedensvertrag handele. (Siehe aber auch die [A/RES/49/58](#), vom 17. Februar 1995, mit der die Generalversammlung der Vereinten Nationen die Feindstaatenregelungen der Artikel 53 und 107 UN-Charta für obsolet erklärt hat!)

Am 21. Oktober 1943 verabschiedete der US-Kongress den folgenden Act:



Am 24. Oktober 1943 verabschiedete die Majles Irans das folgende Gesetz²:

¹ dt. BGBl II 1990/38.

² Hier in englischer Übersetzung laut CIA, [Documents from the US Espionage Den, Iran Embassy - CIA Station 1979](#), 3.

Translation
**LAW AUTHORIZING THE EMPLOYMENT OF A MISSION OF OFFICERS
AND NON-COMMISSIONED OFFICERS FROM THE
U. S. ARMY FOR THE MINISTRY
OF WAR**

(Voted on October 24, 1943 (Aban 1, 1322)

Sole Article.— The National Consultative Assembly (Majlis) authorizes the Government to enter into an agreement with the Government of the United States of America and engage a mission of officers, non-commissioned officers and experts from the U.S. Army, the number of officers not to exceed thirty, for the purpose of reforming the administrative affairs of the Army in accordance with the law of Agrab 1301* and with the following terms:

(a) The first officers of this mission are as follows:

Major General C. S. Ridley, Colonel F. G. Dumont, Colonel Thomas E. Mahoney, Lieut. Col. Sogard, Major R. S. Conly, Captain R. Y. Gidwitz (spelling uncertain), Captain R. Y. Sanders. The senior officer of the mission will be the Chief of the Mission and as Military Adviser to the Ministry of War will advise and assist the Minister of War. Other elements of this mission will be engaged according to the provisions of this law as they may be needed by the Ministry of War and upon agreement of both Governments as to choosing them.

(b) The said mission will in principle be engaged for the duration of the war, but the Government will have the right before the expiration of the period, in case it deems it advisable, to cancel their contract and/or extend it for after the war also, upon reaching an agreement with the Government of the United States of America.

(c) The members of the mission will receive their annual salaries in American currency from the Iranian Government in the following amounts:

The Chief of the Mission	\$4207
Assistant Chief of the Mission	\$3907
All other officers, each	\$3757
Enlisted men and experts	\$2705

These salaries will be paid in twelve equal monthly instalments and any portion of the monthly salary of any member of the mission who may so request will be payable in dollars

in dollars in America and the rest in rials (at the official rate) in Iran. The salaries of the members of the mission are exempt from any charges and taxes which are levied now or which may be levied in the future whether by the Government or by administrative or political divisions subordinate to the Government. And if at this time or during the life of the agreement a new tax should be assessed which should apply to the salaries of these members, it should be paid by the Ministry of War in such a manner that the amount of salary allocated to each member should be received by him without deduction.

The round trip traveling expenses of the members of the mission during the war will be paid by the American Government and after the war by Iran in case the contract is extended. In any event if the members of the mission should desire to bring their families to Iran, the traveling expenses of their wives and children will be paid by the Iranian Government.

(d) The Government is authorized to determine and put into effect the limits of powers and duties and other terms of the employment of the elements of the military mission after consultation with the Ministry of War and in concurrence with the Government of the United States of America.

This law consisting of one article was approved by the Majlis on Aban 1, 1322 (October 24, 1943).

* - Translator's Note: (November 15, 1942)
The law of Agrab 23, 1301' (Agrab is the eighth month of the Persian calendar, now called Aban) is a basic law providing primarily that foreign advisers may be employed only with the approval of the Majlis.

Am 27. November 1943, mithin am Rande der Teheran-Konferenz, unterzeichneten MOHAMED SAED, als Außenminister des Iran, für die Kaiserliche Regierung Irans, sowie LOUIS G. DREYFUS jr., für die Regierung der USA, in Teheran ein *Agreement relating to a military mission* (31 UNTS 451 [authentische persische und englische Texte, sowie nicht-authentische französische Übersetzung der UNO; 7,7 MB]; nur der englische Text [hier](#) [119 KB]).

Die Präambel dieser Vereinbarung lautet:

In conformity with the request of the Government of Iran to the Government of the United States of America, by authority of the law for the employment of American officers for the Gendarmerie voted on October 21, 1943, the President of the United States of America has authorized the assignment of a mission of officers, non-commissioned officers and experts of the United States Army, the number of officers of which shall not exceed eight, with a view to reforming the affairs of the Gendarmerie, according to the following articles.

Abgesehen von der Unstimmigkeit des darin genannten Datums, dem 21. Oktober, welches zwar nicht mit dem zuvor zitierten Iranischen Gesetz, jedoch mit jenem davor zitierten des US-Kongresses korrespondiert, während das zuletzt genannte mitnichten eine Basis für diese Vereinbarung bieten kann, das zuerst genannte aber sehr wohl; ergibt sich daraus also, dass der US-Präsident die Autorisierung des Abkommandierens einer Mission *by authority* des Iranischen Gesetzes vorgenommen hat.

Dies harmoniert mit der Tatsache, dass dem US-Präsidenten die US-verfassungsrechtliche Befugnis zukommt, ihm von fremden Staaten verliehene Ämter anzunehmen und auszuführen, wes Herleitung wir in einem am 8. November 2016 dem EGMR in Straßburg übermittelten Schriftsatz³, RNN 1059 ff, dargelegt haben.

Vorerst soll auf die **Geltungsdauer** der oben zitierten Vereinbarung aus 1943 eingegangen werden; ihr Artikel 2 lautet insofern:

³ Siehe diesen unter: https://ahlambauer.files.wordpress.com/2017/01/20161108_ergc3a4nzende_antrc3a4ge.pdf (52 MB)!

Article 2: This Mission shall be effective as of October 2, 1942 and shall continue for a minimum of two years and any extension mutually agreed upon between the interested parties unless previously terminated as hereinafter provided; and provided further that the authority granted the President of the United States for the detail of such officers remains in effect for such period. Any member of the Mission may be recalled at any time upon the request of the Government of the United States of America provided a replacement with equal qualifications is furnished.

Dass diese Geltungsdauer auf 2. Oktober 1942 rückdatiert wird, ist angesichts der Tatsache, dass dies nur bedeuten kann, dass schon seit diesem Zeitpunkt US-amerikanische Militärs im Iran tätig waren, nicht unbedenklich. Jedenfalls sollte die Laufzeit also zwei Jahre betragen und durch wechselseitige Vereinbarung der **interessierten Parteien** beliebig verlängert werden können, sofern sie nicht nach den nachfolgenden Bestimmungen beendet würde. Als Voraussetzung dafür sollte ferner die aufrechte Autorisierung des US-Präsidenten, Militärs zu entsenden, gelten. Zumal zwischen dem Wort *parties* und dem Wort *unless* kein Beistrich gesetzt ist, sind auch (wiedereinsetzende) Verlängerungen nach erfolgter Beendigung möglich; außerdem stellt dies klar, dass Verlängerungen auch schlüssig erfolgen können, etwa durch eine beiderseitige Fortsetzung der vertragskonformen Tätigkeit (arg.: *any extension*). Die sodann angesprochene Gewalt des US-Präsidenten, Offiziere abzukommandieren, meint jene laut dem iranischen Gesetz vom 24. Oktober 1943 bzw. die darauf basierende Anordnung der iranischen Regierung.

Artikel 3 regelt die Beendigung der Vereinbarung und lautet:

Article 3: This Agreement may be terminated before the expiration of the period prescribed in Article 2 in the following manner:

- a. By either of the Governments, subject to three months' written notice to the other Government.
- b. By the recall of the entire personnel of the Mission by the Government of the United States of America in the public interest of the United States of America.

Was den Grund laut *litera b* angeht, fällt auf, dass er unter der Bedingung steht, dass sie, die Beendigung, im Interesse der USA erfolgt. Fasst man den Vertragszweck, der laut Artikel 1 wie folgt definiert ist:

Article 1: The purpose of this Mission is to advise and assist the Ministry of Interior of Iran in the reorganization of the Imperial Iranian Gendarmerie.

lauter und hehr auf, könnte angesichts der tragenden Rolle, welche einer funktionierenden Verteidigung Irans zu kommt, zumindest fraglich sein, ob solch eine Beendigung jemals im Interesse der USA gelegen sein könnte. Jedenfalls ist festzuhalten, dass ein solcher Totalabzug dann zu keiner Beendigung führt, wenn diese nicht im Interesse der USA läge. In diesem Fall könnte die Vertragsausübung in den USA fortgeführt werden.

Artikel 4 sieht außerdem eine weitere Form der Vertragsbeendigung vor, nämlich die fristlose Auflösung der Vereinbarung; er lautet:

Article 4: This Agreement is subject to cancellation upon the initiative of either the Government of the United States of America or the Government of Iran at any time during a period when either Government is involved in foreign hostilities. In case of cancellation, all provisions hereinafter set forth concerning termination shall apply.

Die Formulierung stellt zunächst klar, dass wechselseitige Feindseligkeiten kein Grund für die Auflösung sind, womit die Vorkommnisse um die US-Botschaft in Teheran 1979 von vornherein ausscheiden, als Auflösungsgrund herangezogen zu werden.

Die Vereinbarung wurde durch die nachstehenden Zusatzvereinbarungen bis zu den je genannten Zeitpunkten verlängert:

Mit Notenwechsel vom 4. August und 6. September 1944, [31 UNTS 470](#), wie folgt:

I

No. 1081

The Minister of Iran presents his compliments to His Excellency the Secretary of State and has the honor to bring to his attention the following:

The Minister of Iran has been directed by his Government to request that the United States War Department agree to one year's prolongation of the service of the American officers in the service of the Iranian Gendarmerie from October 2, 1944 to October 1945.

The Minister would appreciate it very much if the Honorable the Secretary of State would inform the War Department of the importance of the service of the above-mentioned Mission in Iran at this time and ask the War Department to instruct Colonel Norman Schwarzkopf and his mission accordingly.

August 4, 1944

The Honorable Mr. Cordell Hull
The Secretary of State
The State Department
Washington, D.C.

II

The Secretary of State presents his compliments to the Honorable the Minister of Iran and has the honor to acknowledge the receipt of note no. 1081 of August 4, 1944, requesting an extension of the Agreement signed on November 27, 1943, between the Governments of the United States of America and Iran which provides for the assignment of a United States Military Mission to Iran.

The Secretary of State is pleased to inform the Iranian Minister that the extension of the Agreement for a period of one year, effective as of October 2, 1944, is agreeable to the Government of the United States of America provided the authority granted the President of the United States for the detail of such officers remains in effect for such period.

September 6, 1944

Department of State
Washington

Anders als im diplomatischen Verkehr üblich wiederholte die US-amerikanische Note nicht den Hinweis auf die Verwendung allein für die Gendarmerie. Indem sie aber Bezug auf die Autorisierung auf das Abkommandieren nimmt und, wie oben dargelegt, diese im Iranischen Gesetz vom 24. Oktober 1943 liegt, in welchem ausdrücklich und ausschließlich auf die Gendarmerie abgestellt wird, kann es damit sein Bewenden haben, vorausgesetzt, man fasst diese Autorisierung des US-präsidenten als durch jenes Gesetz erfolgt auf, wofür nunmehr und damit ein weiteres Argument spricht. Verlängert wurde somit auf den 2. Oktober 1945.

Ferner mit Notenwechsel vom 27. und 29. September 1945, [31 UNTS 472](#), wie folgt:

His Excellency the Prime Minister writes to the Ministry of Foreign Affairs that the American Embassy's Aide-Mémoire concerning the terms proposed by Colonel Schwarzkopf for the full success of his work and the steps which he had indicated for the removal of his difficulties has been accepted. He (the Prime Minister) writes that the Imperial Government is fully interested in the success of the work of the Gendarmerie and the perfection of its organization, and it shall afford utmost assistance towards the fulfillment of Colonel Schwarzkopf's duties.

MINISTRY OF FOREIGN AFFAIRS

September 27, 1945 (Mehrmah 5, 1324)

No. 3619

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to inform the Embassy as follows:

[SEAL OF THE MINISTRY OF FOREIGN AFFAIRS]

Tehran, September 27, 1945 (Mehrmah 5, 1324)
To the Embassy of the United States of America
Tehran

=“=

In accordance with the provisions of Article II of Section I of the above-mentioned agreement, the Embassy hereby confirms the willingness of the United States Government to accede to the desire of the Imperial Government to continue the agreement for a period of one year from October 2, 1945.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry of Foreign Affairs the assurance of its highest consideration.

[SEAL OF THE EMBASSY]

Tehran, September 29, 1945.

To the Imperial Ministry of Foreign Affairs
Tehran

No. 140

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Imperial Ministry's esteemed Note No. 3619 dated September 27, 1945 expressing the desire of the Imperial Government to renew the agreement between the Governments of Iran and the United States of America covering the engagement of an American Military Mission for the reorganization of the Imperial Gendarmerie.

Auffällt, dass sich die amerikanische Note auf einen Wunsch, um ein weiteres Jahr zu verlängern, in der Iranischen bezieht, welcher dort *expressis verbis* gar nicht, sondern allenfalls als schlüssiger zu finden ist. Zu finden ist nämlich vielmehr eine Klage über Schwierigkeiten des Premierministers, die Arbeit Schwarzkopfs zu rechtfertigen, und Mittel, welche jener vorschlägt, solche auszuräumen. Man darf gespannt sein, ob die Namensgleichheit mit dem Kosmetikkonzern Programm war bzw. ist. Scheinbar verlängert wurde daher auf den 2. Oktober 1946.

Weiters mit Notenwechsel vom 25. Juli und 8. August 1946, UNTS [31 UNTS 425](#) wie folgt:

II

AMERICAN EMBASSY
TEHRAN, IRAN

August 8, 1946

No. 122

TRANSLATION¹ — TRADUCTION²*Note of 25 July 1946 (No. 2195) from the Iranian Ministry of Foreign Affairs*

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to conversations held between His Excellency the American Ambassador and His Excellency the Prime Minister with a view to ascertaining whether the Iranian Government desires to renew the agreement between the two Governments concerning the appointment of a mission of officers, non-commissioned officers and experts from the United States Army to reorganize the Gendarmerie of Iran. The Ministry of Foreign Affairs wishes to announce by means of this note that the Imperial Government is in accord with the renewal of the said agreement for a period of two more years.

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Imperial Ministry's esteemed Note No. 2195, of July 25, 1946, transmitting the request of the Imperial Government of Iran for the agreement of the Government of the United States of America to the renewal for a period of two additional years of the agreement between the Imperial Government and the United States Government for the appointment of a mission of officers, non-commissioned officers and experts of the United States Army to reform the Imperial Iranian Gendarmerie.

The Embassy has been instructed to inform the Imperial Ministry that the United States Government accedes to the Imperial Government's request for a renewal of said agreement between the two Governments for a period of two years subject to the same provisos which were included in the original agreement.

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

The Imperial Ministry of Foreign Affairs
Tehran

Sonderbar könnte anmuten, dass die Verlängerung nicht sogleich in dem, in der Iranischen Note erwähnten Gespräch vereinbart wurde. Verlängert wurde hier um zwei Jahre auf den 2. Oktober 1948. Dass dabei ausdrücklich betont wird, dass die Verlängerung zu denselben Bedingungen erfolgt wie in der ursprünglichen Vereinbarung vorgesehen, zeigt die Schwierigkeiten, die schon zuvor angesprochen worden waren, deutlich und erneut auf.

Ferner mit Notenwechsel vom 11. und 13. September 1948, [31 UNTS 428](#), wie folgt:

TRANSLATION¹ — TRADUCTION²

Date of note: September 11, 1948
Date of receipt: September 11, 1948

II

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 348

Tehran, Iran, September 13, 1948

Note No.: 3528

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to state:

In view of the employment contract of the American Advisory Mission with the Imperial Iranian Gendarmerie terminating on October 2, 1948 (Mehr 10, 1327) the Imperial Government authorities concerned, taking into consideration the amendment made in article 20 of the contract and brought to the Embassy's kind attention by note No. 3526 of September 11, 1948, are in accord with the renewal of the said Mission's employment contract for another period of two years, beginning October 3, 1948 (Mehr 11, 1327).

The Imperial Ministry of Foreign Affairs, therefore, requests that Embassy to be so kind as to advise this Ministry of the agreement of the United States authorities concerned with the renewal of the said contract as stated above.

Embassy of the United States of America
Tehran

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to acknowledge the receipt of the Ministry's note No. 3528, dated September 11, 1948 relative to the renewal of the agreement covering the United States Military Mission with the Imperial Iranian Gendarmerie.

The Government of the United States is agreeable to the renewal for two additional years commencing October 3, 1948 of the agreement, with the revised article 20 as given in the Imperial Ministry's note No. 3526 of September 11, 1948 and the Embassy's note of today's date.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry the assurances of its highest consideration.

J. C. W.

The Imperial Ministry of Foreign Affairs
Tehran

Zur darin angesprochenen Abänderung des Artikels 20 siehe unten! Die in der iranischen Note gewählte Formulierung der betroffenen Imperialen Regierungsbehörden weist darauf hin, dass unsere obige Sicht auf die Frage einer verzögerten Vereinbarung einer Verlängerung (nicht schon durch den Premierminister) relevant ist. Verlängert wurde somit auf den 2. Oktober 1950.

Laut BEVANS⁴ ist eine nachfolgende Verlängerung mit Notenwechsel vom 16. und 22. August 1950 nicht veröffentlicht worden.

Eine weitere Verlängerung erfolgte per Notenwechsel vom 18. April 1954, [5 UST 544](#), wie folgt:

Translation

MINISTRY OF FOREIGN AFFAIRS

FARVAR DIN 29, 1333
(APRIL 18, 1954)

482

EXCELLENCE:

I have the honor to refer to the Agreement of November 27, 1943, [¹] as amended, [²] between the Imperial Government of Iran and the Government of the United States of America regarding the United States Military Mission with the Imperial Iranian Gendarmerie and to propose extension of the Agreement until Esfand 29, 1333 (March 20, 1955).

The Imperial Government of Iran will consider this note, together with Your Excellency's reply, as constituting renewal of the Agreement.

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

ABDOLLAH ENTEZAM, *Minister of Foreign Affairs*

Abdollah Entezam

His Excellency

LOY W. HENDERSON,
American Ambassador,
Tehran.

= “ =

⁴ *United States Treaties and International Agreements*, Volume 8 (Germany-Iran), [1285](#), FN 6.

The American Ambassador to the Iranian Minister of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY,
Tehran, Iran,
April 18, 1954.

EXCELLENCY:

I have the honor to acknowledge the receipt of the following note from Your Excellency today:

"I have the honor to refer to the Agreement of November 27, 1943, as amended, between the Imperial Government of Iran and the Government of the United States of America regarding the United States Military Mission with the Imperial Iranian Gen-

darmarie and to propose extension of the Agreement until Esfand 29, 1333 (March 20, 1955).

"The Imperial Government of Iran will consider this note, together with Your Excellency's reply, as constituting renewal of the Agreement."

I am authorized to inform Your Excellency that the Government of the United States of America is agreeable to the proposal contained in Your Excellency's note and considers the note, together with this reply, as constituting renewal of the Agreement.

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

LOY W. HENDERSON

His Excellency

ABDOLLAH ENTEZAM,
Minister of Foreign Affairs,
Tehran.

Verlängert wurde hier bis zum 20. März 1955.

Sodann wurde verlängert per Notenwechsel vom 15. und 19. März 1955, [6 UST 694](#), wie folgt:

Translation

MINISTRY OF FOREIGN AFFAIRS

Office: Legal Affairs and Treaties
Number: 8919
Date: Esfand 24, 1333
(MARCH 15, 1955)

EXCELLENCY:

With reference to letter No. 482, dated Farvardin 29, 1333 (April 18, 1954), I have the honor to inform Your Excellency that the Imperial Government proposes that the Agreement regarding the United States Military Advisory Mission with the Iranian Gendarmerie, dated November 27, 1943, be extended for a further period of one year as from Esfand 29, 1333 (March 20, 1955).

The Imperial Iranian Government will consider the text of this letter and Your Excellency's reply thereto as renewal of the aforementioned Agreement.

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

ABDOLLAH ENTEZAM
Abdollah Entezam
Minister of Foreign Affairs

His Excellency

WILLIAM ROUNTREE,
Charge d'Affaires ad interim of the Embassy
of the United States of America,
Tehran.

=“=

States Military Advisory Mission with the Iranian Gendarmerie, dated November 27, 1943, be extended for a further period of one year as from Esfand 29, 1333 (March 20, 1955).

"The Imperial Iranian Government will consider the text of this letter and Your Excellency's reply thereto as renewal of the aforementioned Agreement.

"I avail myself of the opportunity to renew to Your Excellency the assurances of my high consideration."

I am authorized to inform Your Excellency that the Government of the United States of America is agreeable to the extension of the Agreement as described in Your Excellency's letter and considers that letter, together with this reply, as constituting extension of the Agreement.

Accept, Excellency, the assurances of my highest consideration.

WILLIAM M. ROUNTREE

His Excellency

ABDOLLAH ENTEZAM,
Minister of Foreign Affairs,
Tehran.

The American Charge d'Affaires ad interim to the Iranian Minister of Foreign Affairs

AMERICAN EMBASSY,
Tehran, Iran, March 19, 1955.

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's letter No. 8919, dated March 15, 1955, a translation into English from its Persian text stating as follows:

"With reference to letter No. 482, dated Farvardin 29, 1333, I have the honor to inform Your Excellency that the Imperial Government proposes that the Agreement regarding the United

Verlängert wurde bis 20. März 1956.

Eine nächste Verlängerung erfolgte mit Notenwechsel vom 13. Februar 1956, [7 UST 390](#), wie folgt:

Translation

MINISTRY OF FOREIGN AFFAIRS
DEPARTMENT . . . FOURTH POLITICAL
No. 7868 Date . . . 11/23/1334 [FEBRUARY 13, 1956]

HIS EXCELLENCE THE AMBASSADOR:

Referring to the Agreement dated November 27, 1943, as revised, between the Imperial Government of Iran and the Government of the United States of America concerning the United States Military Mission with the Imperial Gendarmerie of Iran, it is requested that the above-mentioned Agreement be extended

until Esfand 29, 1336 (March 20, 1958). The Government of Iran will consider this memorandum, supplemented by Your Excellency's reply thereto, as a renewal of the Agreement.

Respectfully,

DR. ARDALAN
Minister of Foreign Affairs

His Excellency
SELDEN CHAPIN,
American Ambassador,
Tehran.

= “ =

The American Ambassador to the Iranian Minister of Foreign Affairs

AMERICAN EMBASSY
Tehran, Iran, February 13, 1956

EXCELLENCE:

I have the honor to acknowledge the receipt of Your Excellency's note No. 7868 of February 13, 1956, the translation into English of the substantive parts of its Persian text being as follows:

"Referring to the Agreement dated November 27, 1943, as revised, between the Imperial Government of Iran and the Government of the United States of America, concerning the United States Military Mission with the Imperial Iranian Gendarmerie, it is requested that the above mentioned agreement be extended until Esfand 29, 1336 (March 20, 1958). The Imperial Government of Iran will consider this memorandum, supplemented by Your Excellency's reply thereto, as the renewal of the Agreement."

I am authorized to inform Your Excellency that the Government of the United States of America is agreeable to the extension of the Agreement of November 27, 1943, referred to in Your Excellency's note, for a further period of two years as proposed in Your Excellency's note, and also considers that note, together with this reply, as constituting extension of the Agreement.

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

SELDEN CHAPIN

His Excellency,
ALI QOLI ARDALAN,
Minister of Foreign Affairs,
Tehran.

Die Verlängerung sollte vereinbarungsgemäß bis 20. März 1958 dauern.

Erneut mindestens eine Verlängerung überspringend ist die nächste veröffentlichte jene mit Notenwechsel vom 10. April und 14. Juni 1961, 7. Februar und 19. März 1962, 19 UST 7516, wie folgt:

No : 596

The Embassy of the United States of America presents its compliments to the Imperial Iranian Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note Verbale No. 3093 of May 25, 1959, and to the Embassy's Note No. 407 of July 13, 1959.^[1]

The Embassy of the United States of America has the honor to propose the renewal until Esfand 29, 1340 (March 20, 1962) of the United States Military Mission Agreements dated November 27, 1943, and October 6, 1947, and to suggest certain amendments in the payment and benefit procedures now provided under various articles of the Agreements.

Under the terms of the 1943 Agreement, and of the 1947 Agreement, the Government of Iran accords payment to individual members of the United States Military Missions to Iran. Pursuant to a recent act of the Congress of the United States of America, however, officers and employees of the United States Government detailed to foreign governments are no longer authorized to accept compensation or other benefits from such governments. The members of the United States Military Missions in Iran have therefore assigned to the Government of the United States all rights granted to them to compensation or other benefits by Iranian law by virtue of the performance of their duties as members of the Missions.

In order to permit the Government of Iran to continue to discharge its obligations to the Government of the United States of America under the Military Mission Agreements, it is proposed that the Government of the United States of America, as assignee of the members of the United States Military Missions in Iran, receive payments to the same extent and in the same amounts as have heretofore been paid by the Imperial Iranian Government to such members. The Government of the United States of America, as assignee, would be happy to view the sums paid by the Imperial Iranian Government in this connection as a means of sharing the cost of the United States Military Missions in Iran as envisaged in the applicable Agreements.

The Embassy also wishes to confirm that the Government of the United States of America is agreeable to the substitution for the wording in Article 24 of the 1947 Agreement of the following:

"So long as this Agreement, or any extension thereof, is in effect, in the event the Imperial Iranian Government should desire to engage other foreign personnel for duty of any nature connected with the Imperial Iranian Armed Force, the circumstances shall be brought, in the interests of mutual cooperation, to the knowledge of the United States Government authorities concerned prior to the arrangement for such services."

The Embassy further has the honor to propose the establishment of a Navy Section of the United States Military Mission, to consist of the United States Naval officer, and to be governed by the terms and conditions, *mutatis mutandis*, of the 1947 Agreement.

The Government of the United States of America will consider this Note, together with a favorable reply from the Imperial Iranian Government, as constituting a renewal of the United States Military Mission Agreements as modified herein.

The Embassy avails itself of this opportunity to renew to the Imperial Ministry the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, April 10, 1961.

= “ =

Hier, im zweiten Absatz, schlagen die USA eine Verlängerung bis zum 20. März 1962 vor, was angesichts der offenbar überschrittenen Frist seit der letzten Verlängerung sonderbar pressant anmutet. Diesem Vorschlag entspricht, wie sogleich erhellen wird, keine direkte Annahme in den beiden nachfolgenden Antwortnoten Irans.

Translation

4TH POLITICAL OFFICE
No. 1344

3/24/40 [JUNE 14, 1961]

MINISTRY OF FOREIGN AFFAIRS

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to note No. 596 dated April 10, 1961 regarding the Embassy's proposal concerning the manner of payment of the emoluments of officers and non-commissioned officers of the Army of the United States of America and likewise concerning the engagement of the services of foreign personnel for the Imperial Army under Article 24 of the Agreement of 1947, and the proposal to establish a Navy Section of the United States Military Mission in Iran, and it has the honor to state the views of the appropriate Imperial authorities as follows:

1) Regarding the payment of the emoluments of officers and non-commissioned officers of the United States Army, it has already been agreed that, in the event the said personnel submit powers of attorney for receiving their emoluments to the chief of the Advisory Mission, their emoluments shall be paid to the chief of the Advisory Mission. Of course, there is a choice of appointing another assignee for receiving the emoluments of said officers and non-commissioned officers.

2) The amendment of Article 24, as set forth below, by agreement of the appropriate Imperial authorities, is adopted:

"So long as this Agreement, or any extension thereof, is in effect, in the event the Imperial Iranian Government should desire to engage other foreign personnel for duty of any nature connected with the Imperial Iranian Armed Force, the circumstances shall be brought, in the interests of mutual cooperation, to the knowledge of the United States Government authorities concerned prior to the arrangement for such services."

3) With regard to the establishment of a Navy Section of the United States Military Mission, in accordance with the arrangements for the services of Military Advisers, one officer of the United States Naval Forces in Iran shall be engaged for service and, in case of need, a number of officers of the Naval Forces may be added within the limits of the arrangements for the services of Military Advisers, and by virtue thereof there is no need for another agreement.

The Imperial Ministry of Foreign Affairs avails itself of this opportunity to renew the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

= " =

Translation

4TH POLITICAL OFFICE
No. 4202

8/21/40 [NOVEMBER 12, 1961]

MINISTRY OF FOREIGN AFFAIRS

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America with reference to Note No. 1344 dated 3/24/1340 [June 14, 1961] and concerning the negotiations which the Embassy conducted with the present representative of the Ministry of War and Mr. Avlashin Dubbarikam, it has the honor to state that by agreement with the Ministry of War:

1) In the event that the military advisers have personally signed the salary list, salary payment to them by the government of Iran shall not be made (legally forbidden) even though they have entrusted all their salary by receipt to the chief of the Advisory Mission or to the Embassy of the United States of America and have signed the said list and request that this payment be made through Iranian authorities.

2) Concerning Article 24 and the Naval Adviser the former agreement and procedure shall remain in effect.

In accordance with the above steps it is desirable, since agreement has been reached with the foregoing views, that the necessary notification be given to pay the salaries of the officers and non-commissioned officers as of the date of announcement of agreement.

The Imperial Ministry of Foreign Affairs avails itself of this occasion to renew to the Embassy of the United States of America the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

Dass die USA ein Gesetz erließen, wonach im Dienste ausländischer Regierungen stehende US-amerikanische Offiziere und andere solche Beschäftigte von solchen Regierungen keinen Lohn mehr empfangen dürfen, steht im Einklang mit der US-Verfassung, welche vorsieht, dass diese Beschäftigten allein dem US-Präsidenten als Empfänger des fremden Amtsauftrags unterstehen, und welche auch insoweit als integraler Bestandteil der Vereinbarung zwischen den USA und Iran angesehen werden wird können.

Translation

4TH POLITICAL OFFICE
No. 6266

11/18/1340 [FEBRUARY 7, 1962]

MINISTRY OF FOREIGN AFFAIRS

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and pursuant to notes No. 1344 of 3/24/40 [June 14, 1961] and No. 4202 of 8/21/40 [November 12, 1961], has the honor to state [that] since the period of service of the American Military Advisory Mission terminates on Esfand 29, 1340 [March 20, 1962], the Ministerial Council, by virtue

of approval of Act No. 9733/4 of 10/23/40 [January 13, 1962], has arranged to extend the said mission for the period of one additional year from Farvardin 1, 1341 [March 21, 1962].

The Ministry of Foreign Affairs of the Imperial Government avails itself of this opportunity to renew the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

Erst hier, mithin praktisch im Nachhinein, stimmt Iran einer Verlängerung bis zum 20. März 1963 zu, was die USA in der nachfolgenden Note vom 19. März 1962 annehmen. Interessant ist, dass die Textierung des Vorschlags Irans (oben, zuvor) weniger als an den Vertragstext aus 1943 als vielmehr als an den Text des Abkommens aus 1947 (siehe dazu unten!) angelehnt scheint, was auf militärische Durchdringung anspielen könnte. Daher wundert nicht, dass die US-Botschaft in ihrer folgenden Note vom 19. März 1962 entgegenkommt und ausdrücklich betont, dass die Fortsetzung der Mission auf den Urtexten, wie sie schriftlich geändert wurden, beruhen soll. Im dritten Absatz dieser Note wird dies bestätigt, wenn dort die Rede von Problemen ist, wonach die Texte den Status nicht abdeckten. Dass das Problem nach dem Vorschlag der USA damit gelöst werden sollte, dem betreffenden Personal diplomatische Immunität zuzuerkennen, ist an Groteske nicht zu überbieten. Siehe die folgende Note!

At the same time, the Embassy wishes to recall the frequent discussions that have taken place of late between representatives of the two governments in connection with the problems of increasing importance that have stemmed from the fact that the existing arrangements do not adequately cover the question of the status of the United States Advisory Mission personnel in Iran.

In that connection, the United States Government believes that it would be in the interest of the two governments to have a general understanding covering this matter so as to remove any reason for uncertainty and thereby facilitate the efficient functioning of these advisory personnel. To that end, the Embassy has the honor to suggest simply that such personnel shall have the privileges and immunities specified for "Members of the Administrative and Technical Staff" in the Convention annexed to the final act of the United Nations Conference on Diplomatic Intercourse and Immunities signed at Vienna, April 18, 1961, it being understood, of course, that certain Senior Personnel may by agreement between the two governments be accorded the status specified in the aforesaid instrument for "Diplomatic Agents".

The Embassy further suggests that in the interest of uniformity and ease of administration the foregoing principle be made applicable to any other United States military personnel or civilian employees of the United States Department of Defense and their families forming part of their households whose presence in Iran is authorized by the Imperial Iranian Government.

The Embassy proposes that if this understanding is agreeable to the Imperial Iranian Government that it be applicable from the date of the Ministry's Note in reply to that effect.

The Embassy avails itself of this opportunity to renew to the Imperial Ministry the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, March 19, 1962

No. 423

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note No. 6266 of February 7, 1962, indicating the desire of the Imperial Iranian Government to retain for another year (until March 21, 1963) the services of the United States Military Advisory Missions initially provided for in the agreements of November 27, 1943 and October 6, 1947.

The Embassy is pleased to state that the United States Government is agreeable to so extending the services of those Advisory Missions which will continue to be conducted in accordance with the terms of the aforementioned agreements as modified by exchanges of Notes at Tehran on December 29, 1948 and January 5, 1949, November 28, 1949 and January 10, 1950, relating to the Military Mission; the exchange of Notes of September 11/13, 1948, relating to the United States Military Mission to the Imperial Iranian Gendarmerie; Note number 596 of April 10, 1961, of the United States Government; and Notes 1844 of June 14, 1961 and 4202 of November 14, 1961, of the Imperial Iranian Government.

Relevanter Artikel 37 Absatz 2 der angesprochenen Wiener Diplomatenkonvention, [500 UNTS 95](#), lautet:

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

Siehe zum Problem diplomatischer Immunität auch den Notenwechsel vom 11. März, 17. November und 18. Dezember 1963, 9. Dezember 1964, [19 UST 7528](#).

Translation

Note Number: 8800
Date of Note: 3/11/63
Date Received: 3/11/63
From: Fourth Political Div. of F.O.
Enclosure of the Note

Subject: The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and with reference to the Note No. 203 dated October 22, 1962 [1] relevant to proposal of that Embassy concerning the status of the American Military Advisory Mission in Iran and taking advantage of the articles of Vienna Agreement approved April 18, 1961 [1] with regard to the said advisors, it has the honor to state. It is agreed to the latter part of the Note No. 423 dated March 19, 1962 of the Embassy regarding the high ranking members of the Advisory Mission who hold diplomatic passports to give them diplomatic status until they can enjoy the relevant immunities and advantages - and concerning the rest of the staff of the American Advisory Mission also some studies are under way in order to provide them, too, with more advantages and facilities and the Embassy will later be informed of the result. The Imperial Ministry avails itself of the opportunity to renew the assurances of its highest consideration.

Hier fällt der erste Satz besonders ins Auge, zumal ihm der Gegenstand „*Subject*.“ vorangestellt ist und seine Satzstellung bzw. Satzaussage im Hauptsatz fragmentarisch bleibt, fehlt doch ein klares Objekt zum *state*, mit dem der Satz endet. Freilich könnte auch die *Ehre zum Staate* gemeint sein, eine frivole Anspielung auf die im Gange befindlichen Unterwanderungen? Diesfalls bezöge sich das *state* auf das *subject*! Hierin möchte wohl eine der Hauptursachen für den Sturm auf die US-Botschaft in Teheran 1979 liegen.

Translation

Note no.: 8296
Date: 11/17/63
Date Received: 11/18/63
From: Treaties & Legal Affairs
Div. of F.O.
Enclosure of the Note.

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America, and regarding the exemptions and immunities for the Military Advisory Missions of the United States Government in Iran, it has the honor to state that, considering the request made by the Embassy in the Note No. 423 dated March 19, 1962 where it was stated that the staff of the Advisory Missions should enjoy the privileges and immunities relating to the administrative staff and technical members "provided in the agreement annexed to the final act of the United Nations Conference on Diplomatic Intercourse and Immunities concluded at Vienna and approved on April 18, 1961 and some senior members of these Mis-

sions may by agreement between the two governments be accorded the status for diplomatic agents so that they may enjoy the privileges and immunities that the said agreement has specified for this class and for the maintenance of administrative interests and maintenance of uniformity the above-mentioned principle be made applicable to any military and/or civilian employee of the United States Defense Department and members of the family accompanying him provided that their presence in Iran is authorized by the Imperial Iranian Government" necessary studies were made and the result was brought to the knowledge of the Embassy, i.e. the Vienna International Agreement after its approval by the Iranian Legislative Power shall not apply the members of the Military Advisory Missions of the United States Government in Iran who are under the employ of the Iranian Ministry of War, which requires a separate legal authority, and it, therefore, was decided that necessary statement be attached to the

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Vienna International Agreement when it is presented to both Houses so that the chief and members of the Military Advisory Missions in Iran may enjoy the privileges, immunities, and exemptions which are provided for "the administrative and technical employees" covered by paragraph F article one of the agreement under question and, of course, the extension of such privileges and exemptions will be subject to the approval of both Houses.

The Imperial Ministry of Foreign Affairs is pleased now to inform the Embassy that the Council of Ministers has agreed to this proposal in accordance with a Decree dated October 5, 1963 and it is decided that this Note and the Note which will be written as a reply

by the Embassy be attached for approval to the Vienna Agreement, concluded on April 18, 1961, at the time it is presented to both Houses. The Imperial Ministry avails itself of the opportunity to renew the assurances of its highest consideration.

[SEAL]

Bemerkenswert ist, dass diese vorangehende iranische Note vom 17. November 1963, indem sie Absatz (f) des Artikels 1 der Wiener Diplomatenkonvention falsch mit „... employees“ zitiert, einen klaren Deut auf die offenbar vorliegende Rechtssituation mancher Mitglieder dieser administrativen und technischen Belegschaft der Mission abgibt. Zu betonen ist in diesem Zusammenhang abermals, dass die US-Verfassung, welche den US-präsidenten als Commander in Chief der US-army etabliert und ihn wohl auch in dieser Eigenschaft Aufträge fremder Mächte annehmen lässt, eine direkte Befehlsgewalt solcher Mächte auf Angehörige der Army ablehnt: Die Macht hat nur die Möglichkeit, sich über den US-Präsidenten an diese Angehörigen zu wenden. Eine Abweichung hiervon müsste wohl eigens vereinbart und vom (Senat des) US-Kongress(es) (sowie eventuell auch den Bundesstaaten) genehmigt werden.

No. 299

DECEMBER 18, 1963

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note No. 8296 of November 17, 1963 (Aban 26, 1342). The Ministry's note states that the Council of Ministers agreed on October 5, 1963 (Mehr 13, 1342) to propose to the National Consultative Assembly that the Chief and the members of the United States' military advisory missions in Iran be accorded the privileges, immunities and exemptions provided in the Vienna Convention on Diplomatic Relations for "the administrative and technical staff" of the Embassy, as described in Article 1, paragraph (f) of the Convention. The Ministry's note further states that that note and the Embassy's note in reply will be attached for approval to the Vienna Convention at the time the Convention is presented to the National Consultative Assembly and the Senate.

The Embassy understands that the phrase "the members of the United States' military advisory missions in Iran" is applicable to those United States military personnel or civilian employees of the Department of Defense and their families forming part of their households who are stationed in Iran in accordance with agreements and arrangements between the two Governments relating to military advice and assistance. Accordingly, the Embassy concurs that the Ministry's Note No. 8296 will, when approved by the National Consultative Assembly and the Senate, constitute a favorable and acceptable response to the Embassy's Note No. 423 of March 19, 1962 (Esfand 28, 1341).

The Embassy avails itself of the opportunity to renew to the Imperial Ministry the assurance of its highest considerations.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, December 18, 1963.

Translation

TREATY AND LEGAL AFFAIRS OFFICE
No. 9760

9/18/43 [DECEMBER 9, 1964]

MINISTRY OF FOREIGN AFFAIRS

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to note No. 299 of December 18, 1963, and encloses copies of the law approved on Mehr 21, 1343 [October 13, 1964].

The said law empowers the government to allow the chief and members of military advisory missions of the United States of America in Iran, whose services are engaged by the Imperial Government, in accordance with the appropriate agreements, to enjoy the privileges and immunities specified by the Vienna Convention on diplomatic relations of 1961, for members of the administrative and technical staff described in Article 1 of the Convention.

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

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

OFFICE: TREATY AND LEGAL AFFAIRS**MINISTRY OF FOREIGN AFFAIRS**

Law Granting American Military Advisers in Iran the Enjoyment of the Privileges and Immunities of the Vienna Convention.

ARTICLE I

Pursuant to Government Law No. 2157/2291/18 of 11/25/1342 and annexes thereto dated 11/21/42 presented to the Senate, the Govern-

ment has been empowered to allow the chief and members of military advisory missions of the United States of America in Iran, whose services are engaged by the Imperial Government in accordance with the appropriate agreements, to enjoy the privileges and immunities specified by the Vienna Convention, signed on April 18, 1961, corresponding to Farvardin 29, 1340, for members of the administrative and technical staff described in Article I of the Convention.

Ins Auge sticht, dass die vorangehende US-Note vom 18. Dezember 1963 das obige (offenkundig absichtlich) falsche Zitat aus der iranischen Note ignoriert und Artikel 1 Absatz (f) der Wiener Konvention richtig (mit: *staff*) zitiert. Ferner fällt auf, dass die genannte US-Note von *advice and assistance* als Gegenstand der Vereinbarungen spricht, was ausschließlich auf Artikel I der Gendarmerie-Vereinbarung aus 1943 abstellt, nicht jedoch auf die Armee-Vereinbarung aus 1947, welch letztere unten noch näher behandelt werden wird. Außerdem versprechen sowohl die iranische Note als auch das ihr angeschlossene Gesetz auch dem Chef (Einzahl!) der militärischen Beratungsmissionen (Mehrzahl!) lediglich diplomatischen Schutz, wie er dem administrativen und technischen Personal laut Artikel 1 Absatz (f) der Wr. Konvention nach zusteht. Eine Sonderbehandlung der leitenden Offiziere wird hier also abgelehnt, sodass den bezüglichen Ausführungen in der iranischen Note vom 3. November 1963 besondere Bedeutung zukommt, wonach nämlich bereits die Gewährung diplomatischen Status zugesagt worden war, jedoch bloß *bis sie die diplomatischen Immunitäten und Vorteile genießen* könnten, was zugleich eine semantische Ohrfeige wie auch ein juridisches Paradoxon ist.

Translation

Ministry of Foreign Affairs
Division of Treaties and
Legal Affairs
No. 9762
18/9/43 [December 9, 1964]
(Without Enclosure)

In view of the fact that the Legislative Assemblies of Iran have consummated the ratification of the Vienna Convention dated 1961 concerning diplomatic relations, American military and non-military personnel who are in Iran under agreements or arrangements made between the two Governments and who are presented to the Imperial Ministry of Foreign Affairs by the Embassy under the heading of Embassy technical and administrative staff, will enjoy the immunities and exemptions which are the subject of paragraph 2, Article 37 of the Vienna Convention concerning diplomatic relations.

The Ministry avails itself of this opportunity to renew to the Embassy the assurance of its highest consideration.

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and in reply to Note 299 of December 18, 1963 has the honor to inform:

[SEAL]

Artikel 2 des Gendarmerie-Abkommens aus 1943 sah vor, was folgt:

Article 5: This Mission shall consist at all times of such personnel of the United States Army as may be agreed upon by the Government of Iran through its authorized representative in Washington and by the War Department of the United States of America.

Wenn die vorangehende iranische Note vom 9. Dezember 1964 also von der Bekanntgabe von Personal durch die US-Botschaft in Teheran spricht, zeigt sie eine vereinbarungswidrige Praxis auf, welche einen weiteren Fallstrick und zugleich wohl auch Grund für die eingeschlagene Vorgehensweise darstellt.

No. 282

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to acknowledge the Ministry's Notes No. 9760 and 9762 of December 9, 1964 replying to the Embassy's Note No. 299 of December 28, 1963. These notes are also regarded as a favorable and acceptable response to the Embassy's Note No. 423 of March 19, 1962.

In connection with this exchange of notes, and consonant with the provisions of Article 32 of the Vienna Convention, the Embassy is pleased to inform the Imperial Ministry that the authorities of the United States will give sympathetic consideration to a request from the authorities of the Imperial Iranian Government for waiver of immunity in cases where the authorities of the Imperial Iranian Government consider such waiver to be of particular importance. It

is understood that cases of "particular importance" would be cases involving heinous crimes and other criminally reprehensible acts.

The Embassy of the United States avails itself of this opportunity to renew to the Imperial Ministry the assurance of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, December 9, 1964.

=“=

Es folgt eine Verlängerung mit Notenwechsel vom 10. und 29. Juni 1968, [19 UST 7511](#):

Translation

4TH POLITICAL SECTION
No. 5160

JUNE 10, 1968

MINISTRY OF FOREIGN AFFAIRS

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America, and has the honor to inform the Embassy of the desire of the appropriate Imperial authorities for the renewal of the Agreement on the service of American advisors with the General Gendarmerie Administration [1] for a period of two years beginning March 21, 1967, which has also been approved by the Cabinet.

It is desired that the Imperial Ministry of Foreign Affairs be notified of the concurrence of the United States Government in the renewal of the aforementioned agreement.

With renewed assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

The American Embassy to the Ministry of Foreign Affairs of Iran

No. 907

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note No. 5160 of June 10, 1968 expressing the desire of the Imperial Iranian Government to renew the Agreement on the service of American advisors with the General Gendarmerie Administration for a period of two years beginning March 21, 1967.

The Embassy hereby informs the Ministry that the United States Government concurs in the renewal of that agreement for the period of two years beginning March 21, 1967.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry of Foreign Affairs the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, June 29, 1968

Verlängert wurde rückwirkend (!) beginnend mit 21. März 1967 für zwei Jahre bis 20. März 1969.

Eine weitere Verlängerung sollte der Notenwechsel vom 29. Juni und 23. Juli 1969, [20 UST 2757](#), wie folgt, bewirken. Verlängert wurde hier ausschließlich das Gendarmerie-Abkommen, und zwar bis zum 20. März 1970.

The American Embassy to the Ministry of Foreign Affairs of Iran

No. 615

Translation

MINISTRY OF FOREIGN AFFAIRS

FOURTH POLITICAL SECTION

No. 9360/M/4

8TH OF TIR 1348 (JUNE 29, 1969)

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to inform the Embassy of the desire of the Imperial Government of Iran for the renewal of the Agreement on the service of American advisors with the General Gendarmerie Administration [1] – which has also been approved by the Cabinet – for a period of one year effective on the first day of Farvardin of the current year (March 21, 1969).

It is desired that the Imperial Ministry of Foreign Affairs be notified of the concurrence of the United States Government in the renewal of the aforementioned Agreement.

The Ministry avails itself of the opportunity to renew the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note No. 9360/M/4 of June 29, 1969 expressing the desire of the Imperial Iranian Government to renew the Agreement on the service of American advisors with the General Gendarmerie Administration for a period of one year beginning March 21, 1969.

The Embassy hereby informs the Ministry that the United States Government concurs in the renewal of that agreement for the period of one year beginning March 21, 1969.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry of Foreign Affairs the assurances of its highest consideration.



EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, July 23, 1969.

Es folgt eine Verlängerung mit Notenwechsel vom 2. September und 8. Oktober 1970, [21 UST 2205](#). Verlängert wurde bis zum 20. März 1971.

Translation

MINISTRY OF FOREIGN AFFAIRS

LEGAL SECTION
No. 3640/18

SEPTEMBER 2, 1970

Note

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to inform the Embassy of the desire of the appropriate Imperial authorities to renew the Agreement on the service of American advisors with the Iranian Gendarmerie, which was initially provided for in the Agreement of November 27, 1943,[1] for an additional period of one year beginning March 21, 1970.

It is requested that the Ministry of Foreign Affairs be notified of the concurrence of the United States Government in the renewal of the aforementioned Agreement as indicated above.

The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

The American Embassy to the Ministry of Foreign Affairs of Iran

No. 648

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note No. 3640/18 of September 2, 1970, expressing the desire of the Imperial Iranian Government to renew the Agreement on the service of American advisors with the Iranian Gendarmerie for a period of one year beginning March 21, 1970.

The Embassy hereby informs the Ministry that the United States Government concurs in the renewal of that agreement for the period of one year beginning March 21, 1970.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry of Foreign Affairs the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, October 8, 1970.

Ferner wurde das Gendarmerie-Abkommen 1943 mit Notenwechsel vom 30. Oktober und 18. November 1971, [822 UNTS 352](#), um ein Jahr bis zum 20. März 1973, wie folgt, verlängert:

[TRANSLATION ¹ — TRADUCTION ²]	
<i>The Iranian Ministry of Foreign Affairs to the American Embassy</i>	
MINISTRY OF FOREIGN AFFAIRS	
Legal Section No. 5140/18	October 30, 1971 II
Note	No. 865 <i>The American Embassy to the Iranian Ministry of Foreign Affairs</i>
<p>The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to inform the Embassy of the desire of the appropriate Imperial authorities to renew the Agreement on the service of American advisors with the Iranian Gendarmerie, which was initially provided for in the Agreement of November 27, 1943,³ for an additional period of one year beginning March 21, 1972.</p> <p>It is requested that the Ministry of Foreign Affairs be notified of the concurrence of the United States Government in the renewal of the aforementioned Agreement as indicated above.</p> <p>The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.</p> <p>Embassy of the United States of America Tehran</p>	
<p>The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Note No. 5140/18 of October 30, 1971 expressing the desire of the Imperial Iranian Government to renew the Agreement on the service of American advisors with the Imperial Iranian Gendarmerie for an additional period of one year beginning March 21, 1972.</p> <p>The Embassy hereby informs the Ministry that the United States Government concurs in the renewal of that agreement for the period of one year beginning March 21, 1972.</p> <p>The Embassy avails itself of the opportunity to renew to the Imperial Ministry of Foreign Affairs the assurances of its highest consideration.</p> <p>Tehran, November 18, 1971.</p> <p>Embassy of the United States of America</p>	

Spätere Verlängerungen sind einschlägigen Vertragssammlungen nicht zu entnehmen.

Zum operativen Inhalt des Gendarmerie-Abkommens aus 1943 zurückkehrend soll nun zunächst sein Artikel 1, wie folgt, zitiert werden:

Article 1: The purpose of this Mission is to advise and assist the Ministry of Interior of Iran in the reorganization of the Imperial Iranian Gendarmerie.

Aus ihm geht hervor, dass der ausdrückliche Vertragszweck die Beratschlagung und Assistenz des iranischen Innenministeriums bei der Reorganisation der Kaiserlichen Iranischen Gendarmerie sein soll.

Wenn nun Artikel 6 des Gendarmerie-Abkommens aus 1943 wie folgt lautet:

Article 6: The personnel of the Mission shall perform such duties as may be proposed by the Chief of the Mission and approved by the Minister of the Interior of Iran.

erhellte, dass in der oben zitierten Note des Iran, vom 9. Dezember 1964, auch gegen diesen Artikel 6 verstößen wurde, wenn dort gesagt worden ist, dass das Personal von der US-Botschaft in Teheran als administratives oder technisches Personal eingestuft werden soll; außer man kommt zur Ansicht, dass damit lediglich der offenbar eingerissenen Untugend ein Riegel vorgeschoben werden sollte, wonach der Chief der Mission Personal mit Aufgaben betraute, die ihm nicht zustanden.

Was oben betreffs der Suprematie des US-Präsidenten über die Missionsangehörigen gesagt wurde, erfährt durch Artikel 7 des Gendarmerie-Abkommens eine Abweichung:

Article 7: The members of the Mission shall be responsible solely to the Minister of Interior of Iran through the Chief of the Mission.

Es wäre denn der Chief der Mission als der US-Präsident selbst anzusehen, was in der Praxis wohl so nicht gehandhabt worden sein dürfte. US-Verfassungsrechtlich als noch vertretbar könnte andererseits angesehen werden, dass sich der US-Präsident selbst einen Vertreter bestellt, der seine Agenden der fremden Macht gegenüber wahrnimmt: Dies allerdings nur mit zwei zgedrückten Augen, zumal immerhin mehrere solche Aufträge fremder Mächte wohl kaum gleichzeitig vom US-Präsidenten bewerkstelligt werden könnten. die US-Verfassung aber nicht sagt, dass jeweils nur einer übernommen werden könne und nicht im allgemeinen Interesse liegt, dass er jeweils nur einen übernehmen könne.

Artikel 8 und 9 besagen, was folgt:

Article 8: Each member of the Mission shall serve on the Mission with the rank he holds in the United States Army or such simulated rank as may be bestowed upon him by the Iranian Government. The members of the Mission shall wear either the uniform of the United States Army or of the Imperial Iranian Gendarmerie to which they shall be entitled, at the discretion of the Chief of the Mission, but shall have precedence over all Iranian Gendarmerie officers of the same rank.

Article 9: Each member of the Mission shall be entitled to all benefits and privileges which the Regulations of the Iranian Army and the Iranian Gendarmerie provide for officers of corresponding rank of the Imperial Iranian Gendarmerie.

Die US-amerikanischen Missionsmitglieder sollten also in die Ränge der iranischen Gendarmerie eingegliedert, ja sogar – so der Chief der Mission zustimmt – mit deren Uniformen ausgestattet werden, dort aber jeweils vordersten Rang unter ihresgleichen einnehmen. (Assoziation: Schweizergarde!⁵)

Der nachfolgend zitierte Artikel 10 der Gendarmerie-Vereinbarung steht im Widerspruch zur nachmalig getroffenen, oben erörterten Abmachung über die Immunitäten.

Article 10: The personnel of the Mission shall be governed by the disciplinary regulations of the Iranian Gendarmerie except insofar as such regulations are contrary to the regulations of the United States Army.

Dasselbe trifft mutatis mutandis auf die Bestimmungen der Artikel 11 bis 19 zu, welche da lauteten:

Article 11: Members of the Mission shall receive from the Government of Iran such net annual compensation in United States currency as may be agreed upon between the Government of the United States of America and the Government of Iran for each member. This compensation shall be paid in twelve (12) equal monthly installments, each due and payable on the last day of the month. The compensation shall be net after deduction of any tax, now or hereafter in effect, of the Government of Iran or of any of its political or administrative subdivisions. Should there, however, at present or while this Agreement is in effect, be any taxes that might affect this compensation, such taxes shall be borne by the Ministry of Interior of Iran in order to comply with the provision of this Article that the compensation agreed upon shall be net.

Article 12: The compensation agreed upon as indicated in the preceding article shall commence upon October 2, 1942, or upon the date of departure of each Mission member if the latter date is subsequent to October 2, 1942, and except as otherwise expressly provided in this agreement shall be paid following the termination of duty with the Mission before his departure for the United States, for the period of any accumulated leave which may be due.

Article 13: The compensation due for the period of accumulated leave shall be paid to a detached member of the Mission before his departure from Iran.

⁵ Namentlich in Verbindung mit dem Treaty of London (1915) bzw. der dort Italien angediehenen Position. Siehe dazu meine Briefe aus der

Article 14: Each member of the Mission and his family shall be furnished by the Government of Iran, except in the case where each member is replaced under the provisions of Article 2 of this Agreement, with first class accommodations for travel, via the shortest usually traveled route, required and performed under this Agreement, between the port of embarkation in the United States of America and his official residence in Iran, both for the outward and for the return trip. The Government of Iran shall also pay all expenses of shipment of household effects, baggage and automobile of each member of the Mission between the port of embarkation in the United States of America and his official residence in Iran as well as all expenses incidental to the transportation of such household effects, baggage and automobile from his official residence in Iran to the port of entry in the United States of America. Transportation of such household effects, baggage, and automobile shall be effected in one shipment, and all subsequent shipments shall be at the expense of the respective members of the Mission except as otherwise provided in this Agreement, or when such shipments are necessitated by circumstances beyond their control. Payment of expenses for the transportation of families, household effects and automobiles, in the case of personnel who may join the Mission for temporary duty at the request of the Minister of Interior of Iran, shall not be required under this Agreement, but shall be determined by negotiations between the War Department of the United States of America and the authorized representative of the Government of Iran in Washington at such time as the detail of personnel for such temporary duty may be agreed upon.

Article 15: The Government of Iran shall grant, upon request of the Chief of the Mission, exemption from customs duties or other imposts on articles imported by the members of the Mission for their personal use and for the use of members of their families.

Article 16: Compensation for transportation and traveling expenses in Iran on official business of the Government of Iran shall be provided by the Government of Iran in accordance with the provisions of Article 9.

Article 17: The Government of Iran shall provide the Chief of the Mission with a suitable automobile with chauffeur, for use on official business. Suitable motor transportation, with chauffeur on call, shall be made available by the Government of Iran for use of the members of the Mission for the conduct of the official business of the Mission.

Article 18: The Government of Iran shall provide suitable office space, and facilities for the use of the members of the Mission.

Article 19: By authority of the last paragraph of item (c) of the Law of October 21, 1943, if any member of the Mission, or any of his family, should die in Iran, the Government of Iran shall have the body transported to such place in the United States of America as the surviving members of the family may decide, but the cost to the Government of Iran shall not exceed the cost of transporting the remains from the place of decease to New York City. Should the deceased be a member of the Mission, his services with the Mission shall be considered to have terminated fifteen (15) days after his death. Return transportation to New York City for the family of the deceased member and for their baggage, household effects and automobile shall be provided as prescribed in Article 14. All compensation due the deceased member, including salary for fifteen (15) days subsequent to his death, and reimbursement for expenses and transportation due the deceased member for travel performed on official business of Iran, shall be paid to the widow of the deceased member or to any person who may have been designated in writing by the deceased while serving under the terms of this Agreement; but such widow or other person shall not be compensated for accrued leave due and not taken by the deceased. All compensations due the widow, or other person designated by the deceased, under the provisions of this Article, shall be paid within fifteen (15) days of the decease of the said member.

Von besonderem Interesse ist einerseits die Bezahlung in US-Dollar und andererseits die Regel des Artikels 12, wonach Zahlung auch nach Ausscheiden aus der Mission zustehen sollte, solange sich das (ehemalige) Mitglied auf iranischem Boden befindet. Dies im Gegensatz zu Artikel 14, der vorsieht, dass nach Artikel 2 ersetzte Mitglieder keinen Anspruch mehr auf die in jenem Artikel vorgesehenen Sachleistungen mehr haben. Die unterschiedliche Diktion (Ausscheiden bzw. Ersetzen) lässt erkennen, dass in Artikel 12 auch vom Mitglied initiierte Austritte umfasst sein sollen, sodass solche mit der Fortzahlung der Remuneration während Verbleibens im Iran versüßt werden sollte.

Der erste Satz im Artikel 19 weist deutlich darauf hin, dass mit dem Gesetz vom 21. Oktober 1943 in der Tat das oben erläuterte und zitierte der MAJLIS ist.

Artikel 20 lautete, wie folgt:

Article 20: The Minister of Interior of Iran will appoint the Chief of the Mission Advisor to the Ministry of Interior in charge of Gendarmerie affairs as head of the Imperial Organization of the Iranian Gendarmerie for the duration of this contract and he shall have precedence over all officers of the Imperial Iranian Gendarmerie. He will have immediate charge of the entire administration and control of the Gendarmerie and he will have the right to recommend to the Ministry of Interior and in accordance with regulations the appointment, promotion, demotion, or dismissal of any employee of the Gendarmerie and to put this into effect with the approval of the Ministry of the Interior and no other authority shall have the right to interfere, and he will have the right with the approval of the Minister of the Interior to transfer and reassign any officer, gendarme, or employee of the Gendarmerie.

Die Abänderung des Artikels 20 der Vereinbarung aus 1943 ging mit Notenwechsel vom 11. und 13. September 1948, [31 UNTS 427](#), vonstatten, wie folgt:

TRANSLATION¹ — TRADUCTION²
Date of Note: Sept. 11, 1948
Date of Receipt: Sept. 11, 1948
Date of Translation: Sept. 11, 1948
MINISTRY OF FOREIGN AFFAIRS
4TH POLITICAL DIVISION
Number 3526

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and concerning the revision of article 20 of the employment contract of the American Military Mission with the Imperial Iranian Gendarmerie has the honor to state that the Imperial Government authorities concerned agree to the amendment of the said article as stated hereunder:

"The Minister of Interior will appoint the Chief of the Mission as Adviser to the Ministry of Interior for affairs relative to the Imperial Gendarmerie for the period of this contract, and his services shall be purely of an advisory nature. To enable him to make competent and comprehensive recommendations the Commanding General of the Gendarmerie shall make all information concerning the organization and training affairs of the Gendarmerie available to the Mission. The said Mission may make such inspections and investigations as may be necessary for it to propose recommendations relating to organization and training affairs. The Mission shall submit such recommendations through the Commanding General of the Gendarmerie to the Ministry of Interior".

The Imperial Ministry of Foreign Affairs requests the Embassy's courtesy in advising this ministry of the agreement of the United States authorities concerned with regard to the above-mentioned article.

Embassy of the United States of America
Tehran

of the agreement covering the United States Military Mission with the Imperial Iranian Gendarmerie has the honor to inform the Ministry that the Government of the United States is agreeable to the amendment of this article in the terms given in the Ministry's note under acknowledgment, namely:

[See note I]

As previously agreed, this revised article 20 will be effective as of June 20, 1948.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry the assurances of its highest consideration.

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and with reference to the Ministry's note No. 3526, dated September 11, 1948 relative to the revision of article 20 Tehran

J. C. W.

Die wesentliche Änderung in der Form der Beschränkung des Chiefs um seine Kompetenz der *assistance* bzw. der Funktion als Vorsteher der Gendarmerie geht, parallel zur Klarstellung durch die Änderung, dass sich *in charge of* bzw. *for affaires relative to* jeweils nicht auf den Innenminister, sondern den Chief beziehen sollte, obschon fehlende Beistriche nach wie vor das Gegenteil besagen, einher mit der Auffälligkeit in der oben zitierten und erörterten iranischen Note vom 17. November 1963, wo es sinngemäß heißt, dass für die diplomatische Immunität des Chiefs bzw. der Mitglieder (als administrativer und technischer Belegschaft) eine *weitere Behörde nötig* sei (nämlich wohl nicht nur weil das dort genannte Kriegsministerium nicht für die Gendarmerie zuständig war, sondern weil durch die Gewährung der Immunität noch mehr als bisher die Autorität der ganzen Regierung unterwandert worden wäre), was offenkundig, das wird jetzt evident, auf diese Unstimmigkeit im geänderten Artikel 20 Bezug nimmt.

Dass Satz 2 des geänderten Artikels 20 vorsieht, dass die Informationen der Mission gegeben werden sollten, zielt offenbar auf die treulose Vertretung des Chiefs gegenüber dem US-Präsidenten ab, weshalb er als offenlassend anzusehen

ist, wem konkret diese Informationen zugespielt werden. Dasselbe gilt analog für den Rest der geänderten Bestimmung des Artikels 20, weshalb insbesondere dem US-Präsidenten, als durch den Chief vertretenem Mitglied der Mission, die dort vorgesehenen Inspektions- und Erhebungskompetenzen zukommen. Im Übrigen stellt der Begriff der Mission hier wohl auf lautere, vereinbarungskonforme Elemente ihrer ab.

Eine weitere zentrale Bestimmung für die über 1979 hinaus reichende Gültigkeit des Gendarmerie-Abkommens ist der folgende Artikel 21:

Article 21: The Government of Iran agrees that, while this agreement is in effect, it will not engage officers of other foreign armies or personnel from any other country to serve in the Imperial Iranian Gendarmerie or branches in which the members of the United States Military Mission are serving.

Bemerkenswert ist nämlich, dass sich die Bestimmung an sich erübrigte, wenn mit dem *in effect in Kraft* gemeint wäre, was offensichtlich nicht der Fall ist. Gemeint ist vielmehr *wirksam*, was wiederum mit *gültig* nicht gleichzusetzen ist, sodass klargestellt wird, dass Einbußen in voller Wirksamkeit weder der Gültigkeit noch dem Vollzug der restlichen Wirksamkeit entgegenstehen sollen. Hinzukommt, dass Doppelstaatsbürger mit iranischer und US-amerikanischer Staatsbürgerschaft nicht darunterfallen, selbst wenn diese geheim ist.

Artikel 22 regelt die Geheimhaltungspflichten der Mitglieder der Mission:

Article 22: Each member of the Mission shall agree not to divulge or in any way disclose to any foreign government or to any person whatsoever any secret or confidential matter of which he may become cognizant in his capacity as a member of the Mission. This requirement shall continue in force after the termination of service with the Mission and after the expiration or cancellation of this Agreement.

Siehe hier im Übrigen auch die Differenzierung mit: *in force!*

Amüsant, wenn nicht gar ergötzend mutet Artikel 23 mit seinem *mean* an:

Article 23: Throughout this agreement the term “family” is limited to mean wife and dependent children.

Es bedeutet im Englischen an vierter Stelle laut OXFORD DICTIONARY⁶ auch so viel wie *very skillfull* oder *effective, excellent*.

Die Artikel 24 bis 26 regeln bezahlten Urlaub:

Article 24: Each member of the Mission shall be entitled to one month's annual leave with pay, or to a proportional part thereof with pay for any fractional part of a year. Unused portions of said leave shall be cumulative from year to year during service as a member of the Mission.

Article 25: The leave specified in the preceding Article may be spent in Iran, in the United States of America, or in other countries, but the expense of travel and transportation not otherwise provided for in this Agreement shall be borne by the member of the Mission taking such leave. All travel time shall count as leave and shall not be in addition to the time authorized as leave.

Article 26: The Government of Iran agrees to grant the leave specified in Article 24 upon receipt of written application, approved by the Chief of the Mission with due consideration for the interests of the Government of Iran.

Aus Artikel 27, welcher da lautet:

⁶ <https://play.google.com/store/apps/details?id=com.mobisystems.msdict.embedded.wireless.oxford.dictionaryofenglish>.

Article 27: Members of the Mission that may be replaced shall terminate their services on the Mission only upon the arrival of their replacements except when otherwise mutually agreed upon in advance by the respective Governments.

möchte in Verbindung mit anderen völkerrechtlichen Abkommen und der oben erörterten Bestimmung des Artikels 21 folgen, dass, angesichts der Tatsache, dass der wesentliche Zweck des Gendarmerie-Abkommens die weltweite Sicherung der Zwecke und Grundsätze der UN-Charta sein muss, die Wirkung bzw. der Vollzug der Vereinbarung auch auf Drittstaaten ausgedehnt werden kann, sofern deren Regierungen zustimmen; daher: *respective*.

Die Artikel 28 und 29 regeln medizinische Versorgung:

Article 28: The Government of Iran shall provide suitable medical attention to members of the Mission and their families. In case a member of the Mission becomes ill or suffers injury, he shall, at the discretion of the Chief of the Mission, be placed in such hospital as the Chief of the Mission deems suitable, with concurrence of the Minister of Interior of Iran, and all expenses incurred as the result of such illness or injury while the patient is a member of the Mission and remains in Iran shall be paid by the Government of Iran. If the hospitalized member is a commissioned officer he shall pay his cost of subsistence. Families shall enjoy the same privileges agreed upon in this Article for members of the Mission, except that a member of the Mission shall in all cases pay the cost of subsistence incident to hospitalization of a member of his family, except as may be provided under Article 9.

Article 29: Any member of the Mission unable to perform his duties with the Mission by reason of long continued physical disability shall be replaced.

Interessant, dass Artikel 29 nur auf physische Unfähigkeit abstellt.

Zentral im Sinne der oben erörterten Notenwechsel um diplomatische Immunität, wo bisweilen ausdrücklich darauf hingewiesen wird, dass auch der gesamte Ministerrat zustimmt, ist die Bestimmung des Artikels 30, mit welcher das Gendarmerie-Abkommen schließt, wie folgt:

Article 30: The Council of Ministers will have the right to cancel such provisions of this Agreement as refer to any member of the Mission, duly and competently proved to be guilty of interference in the political affairs of the country or of violation of the laws of the land.

Nimmt man das zuvor über die Universalität der Vereinbarung Gesagte ernst, erhellt, dass der Ministerrat⁷ kompetent sein soll, einzelne Bestimmungen des Abkommens betreffs disqualifizierter Mitglieder der Mission (wo auch immer) zu suspendieren: eine fulminante Bestimmung zur Impugnation des weltweiten Hochverrats.

Sodann folgt noch die Zeichnungsklausel, wie folgt:

IN WITNESS WHEREOF, the undersigned, Mohamed Saed, Minister of Foreign Affairs of Iran, and Louis G. Dreyfus, Jr., Envoy Extraordinary and Minister Plenipotentiary of the United States of America, have signed this Agreement in duplicate in the English and Persian languages, at Tehran, this 27th day of November, one thousand nine hundred and forty-three.

[SEAL]

M. SAED

[SEAL]

Louis G. DREYFUS jr.

Nun zum zweiten hier zentralen Abkommen *relating to a military mission to Iran, signed at Tehran, 6. October 1947, 11 UNTS 304*, dem Militär-Abkommen aus 1947:

Seine Präambel lautet kurz und bündig:

⁷ Wobei offen bleibt, welcher Nationen.

In conformity with the request of the Government of Iran to the Government of the United States of America, the President of the United States of America has authorized the appointment of officers and enlisted men of the United States Army to constitute a military mission to Iran under the conditions specified below:

Wenn ein Ersuchen der Regierung Irans derart bestimmt sein kann, dass – in Diskonformität mit dem Gendarmerie-Abkommen, das dem Grundsatz der allgemeinen Abrüstung und Minimalrüstung laut UN-Charta weit eher entspricht – nunmehr plötzlich auch für eine militärische Verteidigung (offenbar 1:1 nach iranischen Wünschen) vorgekehrt werden soll, dann kann diese Unlogik angesichts der oben erläuterten Unstimmigkeiten und Schwierigkeiten rund um diplomatische Immunität nur bedeuten, dass Iran⁸ durch solcherart herbeigeführte Notwendigkeit der Erduldung in künftigem Vorausblick, eine Leadership zu übernehmen, auserkoren bzw. bewahrt werden sollte.

Denn Artikel 1 des Militär-Abkommens lautet:

Article 1. The purpose of this Mission is to cooperate with the Ministry of War of Iran and with the personnel of the Iranian Army with a view to enhancing the efficiency of the Iranian Army.

Wobei diese Textierung so deutlich wie nie zuvor im oben Erörterten, worauf damit ja auch Bezug genommen ist, darauf hinweist, dass **diese Mission**⁹ die **Zusammenarbeit** mit dem Iranischen Kriegsministerium und mit der Belegschaft der Iranischen Armee zum Zweck haben soll, und zwar mit dem Ziel, die Effizienz der Iranischen Armee zu mehren, womit unter anderem eine Rückkehr zu den gerade genannten Rüstungsprinzipien der UN-Charta zugleich festgeschrieben wird, und wobei, nach dem bisher Gesagten, **diese** Iranische Armee personell weltumspannend ist, nämlich auftritt und stationiert ist, wo immer der vertragskonforme Ratschlag und solche Assistenz wirksam hin gedrungen sind.

Die bei 11 UNTS 317 abgedruckte französische Übersetzung des Abkommens weist in einer Fußnote zum Artikel 1 darauf hin, dass der persische Originaltext ebendort nach dem Wort *Effizienz* noch die Wortfolge: *et d'améliorer la situation*, aufweise.

Auch dieses Abkommen unterliegt vereinbarten Vorschriften über dessen Geltungsdauer. So lauten dessen Artikel 2 und 3, wie folgt:

Article 2. This agreement shall be effective from the date of signing of the agreement by the accredited representatives of the Government of the United States of America and the Government of Iran and shall continue in force until March 20, 1949, unless sooner terminated or extended as hereinafter provided.

Article 3. If the Government of Iran should desire that the services of the Mission be extended beyond the stipulated period, it shall make a written proposal to that effect prior to September 21, 1948. The Government of the United States of America agrees to act upon such proposal prior to December 21, 1948.

Was Verlängerungen angeht, überlässt Artikel 2 den betreffenden nachfolgenden Abmachungen, die Zulässigkeit wiederholter Verlängerungen zu regeln, woran Artikel 3 nichts ändert, zumal dort lediglich auf eine erste Verlängerungsoption abgestellt wird, welche vor 21. September 1848 ausgeübt werden muss. Es lässt sich demnach sagen, dass weitere Verlängerungen darüber hinaus einer Änderung dieses Artikels 3 bedürften.

Auch Artikel 4 stellt, was im Hinblick auf eine angenommene Geltung bis heute von weitaus größerer Bedeutung ist, rücksichtlich der Beendigungsoption auf eine solche vor dem 20. März 1949 ab, sieht also keine solche für verlängerte Perioden vor. Artikel 4 lautet:

⁸ Vgl. damit den VERTRAG VON GULETON aus 1200, wo Iraner wohl als *Charrotii* bezeichnet sind. Siehe ein Fragment unserer Übersetzung dieses Vertrages samt Anmerkungen und weiterführenden Hinweisen dazu [hier](#).

⁹ Ein Begriff, der in der Präambel nicht vorkommt und daher in der chronologischen Operativität der Vereinbarung neu und somit sonderbar ist.

Article 4. This agreement may be terminated prior to March 20, 1949, in the following manner:

- A) By either government subject to three months notice in writing to the other government;
- B) By either government at any time, upon written notice, if that government considers it necessary due to domestic disturbances or foreign hostilities;
- C) By the Government of the United States of America at any time upon written notice that the present statutory authority under which this arrangement is concluded has terminated and that Congress has provided no other authority for the continuation of the Mission;
- D) By the recall of the entire personnel of the Mission by the Government of the United States of America in the public interest of the United States of America, without necessity of compliance with provision (A) of the article.
- E) The termination of this agreement, however, shall not affect or modify the several obligations of the Government of Iran to the members of the Mission or to their families as set out in Title IV hereof.

Zum Absatz C) ist anzumerken, dass dieser nicht mit US-amerikanischen Verfassungsregeln im Einklang steht, wonach der Präsident für die Abkommandierung von Armeeangehörigen als Commander in Chief, nach Ländern fremder Mächte, die ihm einen Amtsauftrag erteilt haben, die Zustimmung des Kongresses nur dann braucht, wenn diese Soldaten Krieg führen sollen.

Auch Absatz D) ist abermals auf die Interessen der USA eingeschränkt. Bemerkenswert im Übrigen, dass Absatz E) die Fortgeltung der Versorgungsleistungen vorkehrt.

Sodann kam es per Notenwechsel vom 29. Dezember 1948 und 5. Januar 1949, 30 UNTS 340, mithin beidseits verspätet, zu einer Verlängerung, wie folgt:

II

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 575

Note from: MINISTRY OF FOREIGN AFFAIRS
Number: 5417

American Embassy

Tehran, Iran, January 5, 1949

December 29, 1948

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the United States of America and pursuant to Note No. 3471 of Shahrivar 29, 1327 (Sept. 20, 1948) concerning the extension of the agreement for the employment of the American Advisory Mission in the Ministry of War, has the honor to state that, as has been verbally pointed out, the appropriate authorities of the Imperial Government are in accord with the extension of the present agreement for the period of another year as from Esfand 29, 1327 (March 20, 1949).

Meanwhile, the phrase "American officers and enlisted men" mentioned in the present agreement is to be changed to the phrase "American officers and non-commissioned officers". It is requested that the Ministry of Foreign Affairs be kindly notified of the agreement of the appropriate United States authorities regarding the aforementioned matter.

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to acknowledge the receipt of the Ministry's note No. 5417 dated December 29, 1948 relative to the extension of the agreement covering the United States Military Mission with the Iranian Army.

With respect to the Imperial Ministry's note under acknowledgement, the Embassy has been authorized to communicate to the Iranian Government the willingness of the Government of the United States to extend the agreement in question for an additional year beginning March 21, 1949.

The United States Government is also agreeable to the substitution of the phrase "non-commissioned officers" in the preamble of the agreement instead of "enlisted men", as requested by the Iranian Government.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry the assurances of its highest consideration.

[SEAL OF THE MINISTRY OF FOREIGN AFFAIRS]

The Imperial Ministry of Foreign Affairs
Tehran.

Embassy of the United States of America
Tehran

Verspätet deshalb, weil aus der iranischen Note vom 23. Dezember 1948, obwohl diese eine weitere vom 20. September 1948¹⁰ erwähnt, hervorgeht, dass das Einvernehmen betrefts einer Verlängerung um ein Jahr zuvor mündlich mitgeteilt worden sei, woraus folgt, dass die erwähnte weitere Note einen solchen Willen nicht enthalten haben kann (sondern wahrscheinlich ein Ersuchen um Fristverlängerung). Verlängert wurde somit um ein Jahr auf den 20. März 1950.

Die in diesem Notenwechsel vereinbarte Änderung des Militär-Abkommens, wonach in dessen Präambel die Wortfolge *American officers and enlisted men* durch die Wortfolge „*American officers and non-commissioned officers*“ ersetzt werden sollte, korrespondiert mit der Erwartung, dass eine Veränderung betreffend die Bestimmungen über die zeitliche Geltungsdauer nicht erfolgt ist. *Non-commissioned* bedeutet laut OXFORD DICTIONARY: (*of an officer in the army, navy, or air force*) *not holding a rank conferred by a commission*. Und *commission* laut DEMS: *an instruction, command, or role given to a person or group*, oder spezieller: *a warrant conferring the rank of officer in an army, navy, or air force*. *Warrant* hingegen bedeutet DEMNACH: *an official certificate of appointment issued to an officer of lower rank than a commissioned*

¹⁰ Die nicht abgedruckt bzw. veröffentlicht worden ist.

officer. Ein *non-commissioned officer* ist demnach ein Soldat ohne Ernennungsdekret und ohne Auftrag. (Siehe dazu den oben erörterten Act des US-Kongresses vom 21. Oktober 1943!) Zumal solche an die Stelle der *enlisted men* treten sollten, ist klar, dass damit wer auch immer gemeint war, der dazu abgestellt worden ist, gleichgültig ob Angehöriger der Armee oder nicht, was im Konflikt mit der oben erörterten Kompetenz des US-Präsidenten als *Commander's in Chief* steht. – Insgesamt eine Änderung, welche im Notenwechsel vom 28. November 1949 und 10. Januar 1950, [132 UNTS 371](#), welcher die nächste Verlängerung brachte, wie folgt, aufgrund eines redaktionellen Fehlers rückgängig gemacht nicht werden konnte:

- I
- The American Embassy to the Iranian Ministry of Foreign Affairs*
- AMERICAN EMBASSY
- Tehran, Iran, November 28, 1949
- No. 1396
- The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Imperial Government of Iran and has the honor to refer to the latter's Note No. 4733 of Sharivar 29, 1328 (September 20, 1949)³ indicating the desire of the Imperial Government to extend for one year the agreement for the employment of the American Advisory Mission to the Imperial Ministry of War.¹
- The Embassy has been instructed to indicate that the United States Government is willing to extend this agreement without change in terms. However, the recent establishment of the United States Department of Defense (which exercises in part the authority formerly invested in the War Department) and the creation of the Air Force Department make it necessary to provide for certain slight changes in wording to comply with the legal provisions governing the structure of the United States Government at the present time.
- Accordingly, it is requested that when the existing agreement is extended, the following revisions of the text be made:
1. In the Preamble, after the word "Army" insert the words "and United States Air Force." The Preamble would then read as follows:
"In conformity with the request of the Government of Iran to the Government of the United States of America, the President of the United States of America
 2. In Article 5 delete the word "initially" and after the word "Army" insert the words "and United States Air Force." Also in Article 5 delete the phrase "War Department" both times that it occurs and each time insert in its place the phrase "Department of Defense." Article 5 would then read as follows:
"The Mission shall consist of such numbers of personnel of the United States Army and United States Air Force as may be agreed upon by the Minister of War of Iran through his authorized representative in Washington and by the Department of Defense of the United States of America. The individuals to be assigned shall be those agreed upon by the Minister of War of Iran or his authorized representative and by the Department of Defense of the United States of America or its authorized representative."
 3. In Article 10 after the phrase "United States Army" both times it occurs, insert the phrase "or United States Air Force." Article 10 would then read as follows:
"Each member of the Mission shall serve in the Mission with the rank he holds in the United States Army or United States Air Force but shall have precedence over all Iranian Army officers of the same rank. Each member of the Mission shall be entitled to all benefits and privileges which the regulations of the Iranian Army provide for officers of corresponding rank of the Iranian Army. Members of the Mission shall wear the United States Army or United States Air Force uniform with a shoulder sleeve insignia indicating service with the Iranian Army."
 4. In Article 19 delete the phrase "War Department" and insert in its place the phrase "Department of Defense." Also in Article 19 change the phrase "one United States Army Aircraft" to read "one United States Air Force Aircraft." Article 19 would then read as follows:
"In addition to the United States Government transportation available to the Mission, the Government of Iran shall place other means of transportation (vehicle and aircraft) at the disposal of the Mission, when deemed necessary for the performance of official duties and will provide one third of the gasoline and oils required for the United States Government vehicles at the disposal of the Mission, as determined by the Chief of the Mission. The number and type of United States Government vehicles shall be determined by the Department
- of Defense of the United States of America and authority is granted for the entry and exit from Iran, in accordance with the existing law, of one United States Air Force Aircraft with crew as considered necessary by the Chief of the Mission, in the performance of official duties, provided that the Chief of the Mission previously informs the Iranian authorities concerned of the matter according to existing rules and regulations of Iran. All the United States Government vehicles placed at the disposal of the Mission for operation within Iran will be subject to the laws of Iran."

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

John C. WILEY

It is hoped that these changes will meet with the approval of the Imperial Government of Iran and that the existing agreement may be extended with the modifications indicated.

The Imperial Ministry of Foreign Affairs
Tehran, Iran

= “ =

[TRANSLATION¹ — TRADUCTION²]

Date of Note : Jan. 10, 1950 (Deimah 20, 1328)

From : The Iranian Ministry of Foreign Affairs
Number : 7407

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and with reference to the Embassy's note No. 1396 dated November 28, 1949 (Azar 7, 1328), concerning the extension of the agreement for the employment of the American Advisory Mission in the Imperial Ministry of War, has the honor to state that, as the Embassy has been orally informed, the Imperial Government authorities concerned announce their accord with the extension of the said agreement for the period of another year from March 20, 1950 to March 20, 1951 (Esfand 29, 1328 to Esfand 29, 1329), and agree to the insertion of the new titles of the appropriate establishments of the United States of America in place of the former titles as mentioned in the above-mentioned note of the Embassy. The Imperial Ministry of Foreign Affairs requests the Embassy to be so kind as to inform the proper United States authorities in the premises.

MINISTRY OF FOREIGN AFFAIRS

To the Embassy of the United States of America
Tehran

Aufgrund der ins Auge springenden Unterwanderung der iranischen Regierung, wie sie schon aus den oben erörterten Texten betreffend das Gendarmerie-Abkommen hervorsticht, kann kaum Zweifel daran bestehen, dass mit der dort

erwähnten *separaten gesetzlichen Bevollmächtigung oder zusätzlichen Behörde* in der iranischen Note vom 17. November 1963 eine Bedeutung der Änderungen in der US-amerikanischen Regierungsorganisation angesprochen werden sollte, welche wohl schon darin liegt, dass ein Kriegsministerium mehr oder weniger, ohne abgespeckt zu werden, in ein Verteidigungsministerium überging, was UN-Grundsätzen zuwiderläuft. Siehe dazu den Act des US-Kongresses vom 6. Oktober 1949: *Mutual Defense Assistance Act of 1949*, [63 Stat. 714](#), in Auszügen, wie folgt:

[CHAPTER 626]**AN ACT**

October 6, 1949
[H. R. 3895]
[Public Law 329]

To promote the foreign policy and provide for the defense and general welfare of the United States by furnishing military assistance to foreign nations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Defense Assistance Act of 1949".

FINDINGS AND DECLARATION OF POLICY

The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common interest. The Congress hereby finds that the efforts of the United States and other countries to promote peace and security in furtherance of the purposes of the Charter of the United Nations require additional measures of support based upon the principle of continuous and effective self-help and mutual aid. These measures include the furnishing of military assistance essential to enable the United States and other nations dedicated to the purposes and principles of the

United Nations Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to obtain agreements to provide the United Nations with armed forces as contemplated in the Charter and agreements to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying nations against violation and evasion.

The Congress hereby expresses itself as favoring the creation by the free countries and the free peoples of the Far East of a joint organization, consistent with the Charter of the United Nations, to establish a program of self-help and mutual cooperation designed to develop their economic and social well-being, to safeguard basic rights and liberties and to protect their security and independence.

The Congress recognizes that economic recovery is essential to international peace and security and must be given clear priority. The Congress also recognizes that the increased confidence of free peoples in their ability to resist direct or indirect aggression and to maintain internal security will advance such recovery and support political stability.

[...]

TITLE III**OTHER ASSISTANCE**

Iran, Korea, and Philippines.

SEC. 301. The President, whenever the furnishing of such assistance will further the purposes and policies of this Act, is authorized to furnish military assistance as provided in this Act to Iran, the Republic of Korea, and the Republic of the Philippines.

Appropriation authorized.
Post, p. 975.

SEC. 302. There are hereby authorized to be appropriated to the President for the period through June 30, 1950, out of any moneys in the Treasury not otherwise appropriated, for carrying out the provisions and accomplishing the purposes of section 301, not to exceed \$27,640,000.

China.
Appropriation authorized.
Post, p. 975.

SEC. 303. In consideration of the concern of the United States in the present situation in China, there is hereby authorized to be appropriated to the President, out of any moneys in the Treasury not otherwise appropriated, the sum of \$75,000,000 in addition to funds otherwise provided as an emergency fund for the President, which may be expended to accomplish in that general area the policies and purposes declared in this Act. Certification by the President of the amounts expended out of funds authorized hereunder, and that it is inadvisable to specify the nature of such expenditures, shall be deemed a sufficient voucher for the amounts expended.

Die in Sektion 302¹¹ erfolgende Freigabe von Budgetmitteln, die anderwärts nicht gebunden sind, gemahnt an die Drogengelder des *Lend-Lease-Acts* aus 1941.¹² Wozu außerdem solch horrende Mittel, wenn einerseits nur beraten und assistiert werden soll und die Saläre ohnehin von Iran bezahlt werden?!¹³

Eine zweite Verlängerung ist bei [141 UNTS 357](#) dokumentiert, wie folgt:

No. 171. AGREEMENT BETWEEN
THE GOVERNMENT OF THE
UNITED STATES OF AMERICA
AND THE GOVERNMENT OF
IRAN RELATING TO A MILITARY
MISSION TO IRAN. SIGNED AT
TEHRAN, ON 6 OCTOBER 1947¹

thereof, for one year from 20 March 1951
by virtue of an exchange of notes dated at
Tehran on 17 September and 18 November
1950.

EXTENSION

The above-mentioned Agreement was registered by the United States of America
extended, in accordance with article 3 on 21 October 1952.

Laut BEVANS¹⁴ wurde dieser Notenwechsel nicht veröffentlicht.

Erneuert wurde das Militär-Abkommen sodann – beachte die Unterbrechung dazwischen! - mit Notenwechsel vom 18. April 1954, [5 UST 546](#), wie folgt:

Translation

MINISTRY OF FOREIGN AFFAIRS

FARVAR DIN 29, 1333
(APRIL 18, 1954)

481

EXCELLENCY:

I have the honor to refer to the Agreement of October 6, 1947, between the Imperial Government of Iran and the Government of the United States of America regarding the United States Military Mission with the Iranian Army [1] and to propose extension of the Agreement until Esfand 29, 1333 (March 20, 1955).

The Imperial Government of Iran will consider this note, together with Your Excellency's reply, as constituting renewal of the Agreement.

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

ABDOLLAH ENTEZAM

Abdollah Entezam
Minister of Foreign Affairs

His Excellency
LOY W. HENDERSON,
American Ambassador,
Tehran.

= “ =

The American Ambassador to the Iranian Minister of Foreign Affairs

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY,
TEHRAN, IRAN,
April 18, 1954.

EXCELLENCY:

I have the honor to acknowledge the receipt of the following note from Your Excellency today:

I have the honor to refer to the Agreement of October 6, 1947, between the Imperial Government of Iran and the Government of the United States of America regarding the United States Military Mission with the Iranian Army and to propose extension of the Agreement until Esfand 29, 1333 (March 20, 1955).

The Imperial Government of Iran will consider this note, together with Your Excellency's reply, as constituting renewal of the Agreement."

I am authorized to inform Your Excellency that the Government of the United States of America is agreeable to the proposal contained in Your Excellency's note and considers the note, together with this reply, as constituting renewal of the Agreement.

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

LOY W. HENDERSON

His Excellency
ABDOLLAH ENTEZAM,
Minister of Foreign Affairs,
Tehran.

Von Vertragsänderungen ist hier keine Rede; verlängert wurde bis zum 20. März 1955.

Die nächste Verlängerung erfolgte mit Notenwechsel vom 22. September und 22. November 1955, [5 UST 2515](#), wie folgt:

¹¹ Nach dem österreichischen Strafgesetzbuch der Tatbestand des Amtsmissbrauchs!

¹² Siehe dazu unsere Ausführungen im oben mehrfach zitierten Schriftsatz vom 8. November 2016, RN 258!

¹³ Dinner out with JEAN-MICHEL BASQUIAT.

¹⁴ [1295](#) FN 4.

Translation

MINISTRY OF FOREIGN AFFAIRS

Division: Treaties and
 Juridical Affairs
Number: 4130
Date: Shahrivar 31, 1333
 [September 22, 1954]
Enclosure:

EXCELLENCY:

In pursuance of note No. 481, dated Farvardin 29, 1333 [April 18, 1954], I have the honor to inform Your Excellency that the Imperial Government of Iran agrees to the extension of the Agreement for the employment of the United States Advisory Mission with the Ministry of War dated October 6, 1947,[¹] for a period of one year beginning Farvardin 1, 1334 [March 21, 1955], according to the provisions of the said Agreement.

The Imperial Government of Iran will consider the contents of this note and Your Excellency's reply as extension of the said Agreement.

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

ABDOLLAH ENTEZAM

His Excellency

Loy W. HENDERSON,
United States Ambassador,
Tehran.

= " =

one year beginning Farvardin 1, 1334 (March 21, 1955), according to the provisions of the said Agreement.

"The Imperial Government of Iran will consider the contents of this note and Your Excellency's reply as extension of the said Agreement."

I am authorized to inform Your Excellency that the Government of the United States of America is agreeable to the extension of the Agreement as described in Your Excellency's note and considers that note, together with this reply, as constituting extension of the Agreement.

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

LOY W. HENDERSON

His Excellency

ABDOLLAH ENTEZAM,
Minister of Foreign Affairs,
Tehran.

The American Ambassador to the Iranian Minister of Foreign Affairs

No. 662

AMERICAN EMBASSY,
Tehran, November 22, 1954.

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's letter No. 4130, dated September 22, 1954, a translation into English from its Persian text stating as follows:

"In pursuance of note No. 481, dated Farvardin 29, 1333 (April 18, 1954), I have the honor to inform Your Excellency that the Imperial Government of Iran agrees to the extension of the Agreement for the employment of the United States Advisory Mission with the Ministry of War dated October 6, 1947, for a period of

His Excellency

ABDOLLAH ENTEZAM,
Minister of Foreign Affairs,
Tehran.

Verlängert wurde bis 20. März 1956. Dass die iranische Note mit: *in persuance*, beginnt, ist im Hinblick auf die oben erörterten beschränkten Möglichkeiten der Bestimmungen der Artikel 2 und 3 des Militärabkommens zu deren Verlängerung bezeichnend.

Die nächste Verlängerung erfolgte mit Notenwechsel vom 13. Februar 1956, [7 UST 393](#), um zwei Jahre, mit Wirkung bis zum 20. März 1958, wie folgt:

Translation

MINISTRY OF FOREIGN AFFAIRS
DEPARTMENT FOURTH POLITICAL

No. 7967 Date . . . 11/23/1334 [FEBRUARY 13, 1956]

HIS EXCELLENCY THE AMBASSADOR:

Referring to the Agreement dated October 6, 1947,[¹] between the Imperial Government of Iran and the Government of the United States of America concerning the American Military Mission with the Army of Iran, it is respectfully proposed that the above-mentioned Agreement be extended until Esfand 29, 1336 (March 20, 1958).

The Imperial Government of Iran will consider the contents of this letter and Your Excellency's reply thereto as a renewal of the Agreement.

Respectfully,

DR. ARDALAN
Minister of Foreign Affairs

His Excellency
SELDEN CHAPIN,
American Ambassador,
Tehran.

= " =

The American Ambassador to the Iranian Minister of Foreign Affairs

AMERICAN EMBASSY
Tehran, Iran, February 13, 1956

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note No. 7867 of February 13, 1956, the translation into English of the substantive parts of its Persian text being as follows:

"Referring to the Agreement dated October 6, 1947, between the Imperial Government of Iran and the Government of the United States of America, concerning the American Military Mission with the Iranian Army, it is respectfully proposed that the above mentioned Agreement be extended until Esfand 29, 1336 (March 20, 1958).

"The Imperial Government of Iran will consider the contents of this note and Your Excellency's reply thereto, as the renewal of the Agreement."

I am authorized to inform Your Excellency that the Government of the United States of America is agreeable to the extension of the Agreement of October 6, 1947, referred to in Your Excellency's note, for a further period of two years as proposed in Your Excellency's note, and also considers that note, together with this reply, as constituting extension of the Agreement.

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

SELDEN CHAPIN

His Excellency,
ALI QOLI ARDALAN,
Minister of Foreign Affairs,
Tehran.

Die nächste Verlängerung (bis zum 20. März 1962) – laut BEVANS, *aaO*, handelt es sich durchaus um eine sukzessive – trat mit oben bereits erörtertem und zitiertem Notenwechsel vom 10. April, 14. Juni und 12. November 1961 sowie 7. Februar und 19. März 1962, [776 UNTS 280](#) bzw. [19 UST 7516](#). Mit diesem Notenwechsel erfolgte auch – siehe oben – eine Abänderung der direkten Zahlungsflüsse hin zum US-amerikanischen Verteidigungsministerium, was jedoch nicht zwingend zur Widerlegung der Berechtigung der zuvor gestellten Frage nach dem Verwendungszweck der im zitierten US-Act freigegebenen Mittel führen muss.

Sodann folgt jene mit Notenwechsel vom 3. und 28. Dezember 1967, [19 UST 7540](#), wie folgt:

Translation

4TH POLITICAL OFFICE
No. 16572

AZAR 12, 1346 (12/3/1967)

MINISTRY OF FOREIGN AFFAIRS

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to state that since the term of service of the American Military Advisory Mission with the Imperial Iranian Army expires on Esfand 19, 1346 No. 487 (March 9, 1968) and since, under Article 3 of the Agreement concluded, prior notice of the matter should be given to the Government of the United States of America, and since the Imperial Government of Iran is desirous of extending the service of the said Mission, in accordance with the desire of the Ministry of War, notifies the Embassy that, having the approval of the Government Council, it requests extension of the Agreement of the said Mission for another year beginning Farvardin 1, 1347 (March 21, 1968).

It is requested that the Imperial Ministry of Foreign Affairs be notified of the agreement of the Government of the United States of America to extend the above-mentioned Agreement for a period of one year beginning Farvardin 1, 1347 (March 21, 1968).

With renewed assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note No. 16572 of December 3, 1967 expressing the desire of the Imperial Iranian Government to extend the Agreement of October 6, 1947 concerning the United States Military Mission in Iran for the period of one year beginning March 21, 1968.

The Embassy hereby informs the Ministry that the United States Government concurs in the extension of that agreement for the period of one year beginning March 21, 1968.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry of Foreign Affairs the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, December 28, 1967

Verlängert wurde bis zum 20. März 1969. Bemerkenswert ist, dass in der iranischen Note Bezug auf Artikel 3 des Militär-Abkommens genommen wird, welcher freilich eine derart freizügige Verlängerungsoption, wie oben dargelegt, überhaupt nicht eröffnet, sodass damit aber immerhin die Wissentlichkeit Irans offenliegt.

Sodann folgt eine Verlängerung mit Notenwechsel vom 25. November und 14. Dezember 1968, [19 UST 7514](#), wie folgt:

Translation

OFFICE: 4TH POLITICAL
No. 16056

NOVEMBER 25, 1968

MINISTRY OF FOREIGN AFFAIRS

NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to state that the period of service of the American Military Advisory Mission with the Imperial Army of Iran terminates on Esfand 19, 1347 [March 10, 1969], and since by virtue of Article 3 of the Agreement concluded, [1] the Imperial Government of Iran is desirous of extending the service of the said Advisory Mission, the necessary steps

[being taken] with notification of the Government of the United States of America, at the request of the Ministry of War, to extend the Agreement of the aforesaid mission for a period of another year beginning Farvardin 1, 1348 [March 21, 1969], with the approval of the Government Council, the Embassy is hereby notified thereof.

It [the Imperial Ministry of Foreign Affairs] will be very grateful if the Government of the United States of America will notify the Imperial Ministry of Foreign Affairs of its concurrence in extending the period of service of the said advisers for one year beginning Farvardin 1, 1348 [March 21, 1969]. With renewed assurances of its highest consideration.

Embassy of the United States of America,
Tehran.

=“=

The American Embassy to the Ministry of Foreign Affairs of Iran

No. 1455

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note No. 16056 of November 25, 1968 expressing the desire of the Imperial Iranian Government to extend the Agreement of October 6, 1947 concerning the United States Military Mission in Iran for the period of one year beginning March 21, 1969.

The Embassy hereby informs the Ministry that the United States Government concurs in the extension of that agreement for the period of one year beginning March 21, 1969.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry of Foreign Affairs the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, December 14, 1968.

Die eigenwillige Textierung der iranischen Note in deren oben zweitem zitiertem Teil deutet darauf hin, dass man sich der Reziprozität des Unterfangens durchaus bewusst war, sodass nun mitnichten nicht offenbleibt, welches Kriegsministerium gemeint war. Verlängert wurde bis zum 20. März 1970.

Die letzte publizierte Verlängerung erfolgte mit Notenwechsel vom 7. November 1970 und 18. Januar 1971, [22 UST 376](#), wie folgt:

Translation

MINISTRY OF FOREIGN AFFAIRS

LEGAL SECTION

16 ABAN, 1349
(Corresponding to Nov. 7, 1970)

Note

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America, and has the honor to state that, as understood, the period of service of the American Military Advisory Mission with the Imperial Armed Forces terminates on 29 Isfand, 1349 [March 20, 1971].

Therefore, by virtue of Article 3 of the Agreement concluded on 13 Meher, 1326 [October 6, 1947]^[1] between the Imperial Government of Iran and the Government of the United States of America with respect to the services of the American Military Mission in Iran, the Imperial Government of Iran hereby expresses its desire to extend the Agreement of the aforesaid mission for a period of another year beginning on Farvardin 1, 1350 [March 21, 1971].

It will be very grateful if the Government of the United States of America will notify through its Embassy the Imperial Ministry of Foreign Affairs of its concurrence in extending the period of service of said advisers as set forth above.

With renewed assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran.

=“=

expressing the desire of the Imperial Iranian Government to extend the Agreement of October 6, 1947 concerning the United States Military Mission in Iran for the period of one year beginning March 21, 1971.

The Embassy hereby informs the Ministry that the United States Government concurs in the extension of that agreement for the period of one year beginning March 21, 1971.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry of Foreign Affairs the assurances of its highest consideration.

EMBASSY OF THE UNITED STATES OF AMERICA,
Tehran, January 18, 1971

The American Embassy to the Iranian Ministry of Foreign Affairs

No. 88

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Note no. 5015/18 of November 7, 1970

Verlängert wurde um ein Jahr bis zum 20. März 1972. Bezeichnend deshalb, dass die US-amerikanische Note sich ausdrücklich bloß mit der Verlängerung einverstanden erklärt, dies jedoch, ohne auf den in der iranischen Note abermals zitierten Artikel 3 des Abkommens Bezug zu nehmen.

Die nächste Verlängerung erfolgte mit Notenwechsel vom 14. Juli und 2. Oktober 1971, [822 UNTS 347](#), um ein weiteres Jahr bis zum 20. März 1973, wie folgt:

[TRANSLATION¹ — TRADUCTION²]

The Iranian Ministry of Foreign Affairs to the American Embassy

23 Tir. 1350 (July 14, 1971)

Legal Office
No. 2802/18

MINISTRY OF FOREIGN AFFAIRS

Note

The Imperial Ministry of Foreign Affairs, while expressing its compliments to the Embassy of the United States of America, and referring to Note No. 33, dated January 18, 1971* (28th of Dey, 1349), respectfully announces that, as you are aware, the term of the service of the American military advisors in the Imperial Iranian Army will expire on the 30th of Esfand 1350 (March 20, 1972). Therefore, in accordance with the provisions of Article 3 of the signed agreement between the Imperial Government of Iran and the Government of the United States of America, dated 13th of Mehr, 1346 (October 7, 1967),**³ concerning the service of the United States military mission in Iran, the Imperial Government of Iran hereby expresses its desire for the renewal of the above agreement and the continuation of the service of the United States military advisors for a period of one year beginning on the first day of the month of Farvardin, 1351 (March 21, 1972).

It is requested that your Government's views concerning the extension of the service of the above advisors be announced to the Ministry of Foreign Affairs.

Please accept the renewed assurances of our highest consideration.

Embassy of the United States of America
Tehran

* Not printed.

** Should read "13th of Mehr, 1326 [October 6, 1947].".

II

The American Embassy to the Iranian Ministry of Foreign Affairs

No. 788

The Embassy of the United States of America presents its compliments to the Imperial Ministry of Foreign Affairs and has the honor to refer to the Ministry's Notes No. 4024/18 of September 14, 1971* and No. 2802/18 July 14, 1971, expressing the desire of the Imperial Iranian Government to extend the Agreement of October 6, 1947 concerning the United States Military Mission in Iran for the period of one year beginning March 21, 1972.

The Embassy hereby informs the Ministry that the United States Government concurs in the extension of that agreement for the period of one year beginning March 21, 1972.

The Embassy avails itself of the opportunity to renew to the Imperial Ministry of Foreign Affairs the assurances of its highest consideration.

Tehran, October 2, 1971.

Embassy of the United States of America

Bemerkenswert ist, dass in der Vertragsdatenbank der UNO keine einzige Vereinbarung gefunden werden kann, welche am 7. Oktober 1967 abgeschlossen worden wäre.

Bei [912 UNTS 162](#) ist eine weitere Verlängerung des Militär-Abkommens 1947, wenn auch ohne Texte, um ein weiteres Jahr bis zum 20. März 1974 dokumentiert, wie folgt:

**No. 171. AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED
STATES OF AMERICA AND
THE GOVERNMENT OF IRAN RE-
LATING TO A MILITARY MISSION
TO IRAN. SIGNED AT TEHRAN ON
6 OCTOBER 1947.¹**

gust 1972 and 31 January 1973, which came into force on 31 January 1973 by the exchange of the said notes, the above-mentioned Agreement, as amended and extended,¹ was further extended for a period of one year beginning on 21 March 1973.

EXTENSION

By an agreement in the form of an exchange of notes dated at Tehran on 15 Au-

Certified statement was registered by the United States of America on 23 January 1974.

Bei [937 UNTS 264](#) ist die nächste Verlängerung, wenn auch ohne Texte, um ein weiteres Jahr bis zum 20. März 1975 dokumentiert, wie folgt:

**No. 171. AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED
STATES OF AMERICA AND THE
GOVERNMENT OF IRAN RELATING
TO A MILITARY MISSION TO IRAN. SIGNED AT TEHRAN ON 6 OCTOBER 1947¹**

August and 12 December 1973, which came into force on 12 December 1973 by the exchange of the said notes, the above-mentioned Agreement, as amended and extended,¹ was further extended for the period of one year beginning on 21 March 1974.

EXTENSION

By an agreement in the form of an exchange of notes dated at Tehran on 8 May 1974.

Certified statement was registered by the United States of America on 30 May 1974.

Fortgesetzt wurde die Geltungsdauer außerdem mit einem weiteren Notenwechsel, der bei [991 UNTS 434](#), wie folgt, aufscheint:

No. 171. AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED
STATES OF AMERICA AND THE
GOVERNMENT OF IRAN RELATING
TO A MILITARY MISSION TO IRAN.
SIGNED AT TEHRAN ON 6 OC-
TOBER 1947¹

July 1974 and 16 March 1975, which came into force on 16 March 1975 by the exchange of the said notes, the above-mentioned Agreement, as amended and extended, was further extended for a period of one year beginning on 21 March 1975.

EXTENSION

By an agreement in the form of an *Certified statement was registered by the United States of America on 31 December exchange of notes dated at Tehran on 16 1975.*

Verlängert wurde damit um ein weiteres Jahr bis zum 20. März 1976.

[1042 UNTS 399](#) belegt eine weitere Verlängerung um ein Jahr bis 20. März 1977, wie folgt:

No. 171. AGREEMENT BETWEEN
THE GOVERNMENT OF THE
UNITED STATES OF AMERICA AND
THE GOVERNMENT OF IRAN
RELATING TO A MILITARY MIS-
SION TO IRAN. SIGNED AT TEHRAN
ON 6 OCTOBER 1947¹

vember 1975 and 18 January 1976, which came into force on 18 January 1976 by the exchange of the said notes, the above-mentioned Agreement, as amended and extended, was further extended¹ for a period of one year beginning on 21 March 1976.

EXTENSION

By an agreement in the form of an *Certified statement was registered by the United States of America on 19 May 1977. exchange of notes dated at Tehran on 13 No-*

Ein weiterer Notenwechsel vom 11. November 1976 und 6. Februar 1977, mit welchem um ein weiteres Jahr bis zum 20. März 1978 verlängert wurde, ist bei [1112 UNTS 340](#) dokumentiert, wie folgt:

[TRANSLATION¹ — TRADUCTION²]

The Iranian Ministry of Foreign Affairs to the American Embassy

MINISTRY OF FOREIGN AFFAIRS

Bureau: Legal
No. 18/10126

1947)¹ regarding the services of the United States Military Mission in Iran, notice is hereby given that the Government of Iran is disposed to extend the agreement and continue the services of the United States Military Mission in Iran for a period of one more year beginning on the first of Farvardin 2536 (March 21, 1977).

Note

The Imperial Ministry of Foreign Affairs presents its compliments, respectfully refers to the correspondence concerning the extension of the period of service of the United States Military Mission in Iran, which, according to Embassy note No. 029 dated January 18, 1976 (28/10/1354) is drawing to an end, and states:

In view of the fact that the period of service of the United States Army Advisors' Group with the Imperial Army of Iran terminates on the date 29 Esfand 2535 (March 20, 1977), in implementation of Article 3 of the agreement dated 13 Mehr 1326 (October 6, 1977),

= “ =

II

The American Embassy to the Iranian Ministry of Foreign Affairs

No. 069

The Embassy of the United States of America presents its compliments to the Imperial Iranian Ministry of Foreign Affairs and has the honor to refer to the Imperial Ministry's Note No. 10126/18 of November 11, 1976, stating that the Imperial Government of Iran wishes to extend the agreement of October 6, 1947, for a United States Military Mission in Iran for another year. The opinion of the United States Government is requested.

The Embassy has been authorized to convey the approval of the Government of the United States for the renewal of the agreement of October 6, 1947 for another year beginning March 21, 1977.

As the Imperial Iranian Ministry of Foreign Affairs is aware, amendments to the Foreign Assistance Act passed in 1976 will require some worldwide changes in the structure

The Embassy avails itself of this opportunity to renew to the Imperial Iranian Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America

Die Bezugnahme auf die Vorkorrespondenz in der iranischen Note erfolgte durchaus nicht bloß auf die sodann genannte letzte Note davor, womit wohl auf eine ständige Übung betonend hingewiesen werden sollte, trotz Mangels an vertraglicher Grundlage zu verlängern, womit nunmehr auch der schlüssigen Verlängerung der Weg gebahnt war.

Bei [1177 UNTS 329](#) ist ein weiterer Notenwechsel zur schriftlichen Verlängerung um ein weiteres Jahr bis zum 20. März 1979 dokumentiert, wie folgt:

[TRANSLATION¹ — TRADUCTION²]
The Iranian Ministry of Foreign Affairs to the American Embassy
 MINISTRY OF FOREIGN AFFAIRS
 Date: 16/7/2536
 [October 8, 1977]
 Department: Legal
 No.: 18/9562
 NOTE
 The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and respectfully refers to the correspondence exchanged with a view to extending the terms of service of the United States Military Mission in Iran which, according to Embassy note No. 69 of February 6, 1977 (17 Bahman 2435),³ is drawing to a close.
 Since the term of service of the United States Military Advisory Group with the Imperial Army of Iran expires on 29 Esfand 2536 (March 20, 1978), in implementation of article 3 of the agreement dated 13 Mehr 1326 (October 6, 1947)⁴ with respect to the term of service of the United States Military Mission in Iran, you are hereby informed that the Government of Iran is willing to continue this agreement and extend the term of service of the United States Military Mission in Iran for one more year, beginning on 1 Farvardin 2537 (March 21, 1978).
 It would be appreciated if the decision of the Embassy's Government regarding the extension of the term of service of the aforesaid Mission could be conveyed to the Ministry of Foreign Affairs.
 Embassy of the United States of America
 Tehran

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II

EMBASSY OF THE UNITED STATES OF AMERICA

Note No. 57
 The Embassy of the United States of America presents its compliments to the Imperial Iranian Ministry of Foreign Affairs and has the honor to refer to the Imperial Ministry's Notes Numbered 9562/18 of October 8, 1977, and 11200/18 of November 16, 1977, stating that the Imperial Government of Iran wishes to extend the agreement of October 6, 1947, for a United States Military Mission in Iran for another year. The opinion of the United States Government is requested.

The Embassy has been authorized to convey the approval of the Government of the United States for the renewal of the agreement of October 6, 1947, for another year beginning March 21, 1978.

The Embassy avails itself of this opportunity to renew to the Imperial Iranian Ministry of Foreign Affairs the assurances of its highest consideration.
 Tehran, January 19, 1978

Embassy of the United States of America

Beachte den rechts hereingerückten Text der eigentlichen Verlängerungsbitte in der iranischen Note vom 8. Oktober 1977! Die [Geiselnahme von Teheran](#), in der hiesigen US-Botschaft, fand bekanntlich beginnend mit 4. November 1979 statt.

Ein letzter Notenwechsel zur abermaligen Verlängerung ist bei [1177 UNTS 332](#), wie folgt, dokumentiert:

[TRANSLATION¹ — TRADUCTION²]
 MINISTRY OF FOREIGN AFFAIRS
 [IRAN]
 Date: 19/6/1357
 [September 10, 1978]
 Department: Legal
 No.: 18/7411
 NOTE

The Imperial Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to the correspondence exchanged in the matter of the extension of the term of service of the American Military Mission to Iran, which according to the Embassy's note No. 57 dated January 19, 1978 (29 Dey 1356),⁵ is drawing to a close, and states:

In view of the fact that the term of service of the American Military Mission to Iran with the Imperial Army comes to an end on 29 Esfand 1357 (March 20, 1979), in implementation of article 3 of the agreement dated 13 Mehr 1326 (October 6, 1947)⁶ on the matter of the service of the American Military Mission to Iran, notification is hereby given that the Government of Iran is disposed to continuing this agreement and to extending the service of the American Military Mission to Iran for a term of one more year effective the first of Farvardin 1358 (March 21, 1979).

It would be appreciated if the Ministry of Foreign Affairs could be informed of the views of the Embassy's Government on the matter of the extension of the term of service of the aforementioned Mission.

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

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II

EMBASSY OF THE UNITED STATES OF AMERICA
TEHRAN, IRAN

Note No. 004

The Embassy of the United States of America presents its compliments to the Imperial Iranian Ministry of Foreign Affairs and has the honor to refer to the Imperial Ministry's Notes number 7411/18 of September 10, 1978; 8816/18 of October 17, 1978; and 10080/18 of November 21, 1978. They stated that the Imperial Government of Iran wished to extend for another year the agreement of October 6, 1947, having to do with the United States Military Mission in Iran. The views of the United States Government were requested.

The Embassy has been authorized to convey the approval of the Government of the United States for the renewal of the agreement of October 6, 1947, for another year beginning March 21, 1979.

The Embassy avails itself of this opportunity to renew to the Imperial Iranian Ministry of Foreign Affairs the assurances of its highest consideration.

Tehran, January 3, 1979

Embassy of the United States of America

Damit wurde bis einschließlich 20. März 1980 verlängert, was somit nach der Geisel-Affäre liegt.

Man hat all diese Verlängerungen unter dem Aspekt des oben Gesagten mit zweifelndem Auge zu betrachten, zumal die ja vom Gendarmerie-Abkommen 1943 insoweit deutlich abweichenden Bestimmungen der Artikel 2 und 3 des Militär-Abkommens 1947 den offensichtlichen Zweck verfolgten, bei einer weiteren Verlängerung, welche über eine einmalige hinausginge, die Parlamente (mit einer nämlich notwendigen Vertragsänderung) zu befassen. Dies jedoch mit der teleologischen Einschränkung, wonach schon die ersten paar Jahre der vertraglichen Aktivitäten dazu genutzt worden sein würden, die iranische Regierung derart zu unterwandern, dass dort hörige bzw. entsprechend genötigte Leute säßen; sollte dies nicht der Fall gewesen sein, können die Verlängerungen unseres Erachtens als zulässig vereinbart betrachtet werden.

Nunmehr zum operativen Inhalt des Militärabkommens schreitend ist dessen Artikel 5 zu zitieren, wie folgt:

Composition and Personnel

ARTICLE 5. Initially the Mission shall consist of such numbers of personnel of the United States Army as may be agreed upon by the Minister of War of Iran through his authorized representative in Washington and by the War Department of the United States of America. The individuals to be assigned shall be those agreed upon by the Minister of War of Iran or his authorized representative and by the War Department of the United States of America or its authorized representative.

Aufgrund der in dem oben zitierten Notenwechsel vorgenommenen Änderungen ist dem die dort redigierte Fassung gegenüberzustellen, wie folgt:

"The Mission shall consist of such numbers of personnel of the United States Army and United States Air Force as may be agreed upon by the Minister of War of Iran through his authorized representative in Washington and by the Department of Defense of the United States of America. The individuals to be assigned shall be those agreed upon by the Minister of War of Iran or his authorized representative and by the Department of Defense of the United States of America or its authorized representative."

Zuerst fällt auf, dass die Beseitigung des in der Urversion einleitenden Wortes *initially* nicht, wie im genannten Notenwechsel behauptet, bloß redaktioneller Art war. Vielmehr bewirkte es eine erneute und permanente Zuständigkeit des Vertreters Irans in Washington für die Auswahl; während die Assignation (engl. *assign*, laut OXFORD DICTIONARY: *appoint [someone] to a job, task, or organization: she has been assigned to a new job*) im Iran erfolgen sollte. Auf der Hand liegt dabei, dass die in den Vereinigten Staaten vorgenommene Auswahl ebenso ein zweischneidiges Schwert ist wie jene, die erst im Iran erfolgt, je nach dem, insbesondere, ob dabei die Person natürlich in Betracht gezogen wird.

Erneut ist hier ein proaktives Entgegenkommen vonseiten der USA erkennbar.

Die Anpassung betreffs des US-amerikanischen Verteidigungsministeriums sowie der US Air Force war den administrativen Veränderungen in der Regierungsorganisation der USA geschuldet. Siehe dazu auch schon oben!

Artikel 6 regelt die Organisationsstruktur im (iranischen?) Kriegsministerium, in welche die Beratung eingebettet werden soll:

ARTICLE 6. Members of the Mission shall be assigned to the Department of the Ministry of War designated the Advisory Department. The Advisory Department shall be organized under a table of organization prepared with the agreement of the Chief of Mission and approved by the Minister of War of Iran. Members of the Mission shall be assigned to position vacancies shown on this table, and their assignment shall be published in Iranian Army General Orders.

Wie aus den oben getätigten Ausführungen hervorgeht, waren an der Textierung der hier diskutierten Schriften Genies beteiligt. Wenn der oben zitierte Artikel 1 des Militär-Abkommens 1947 vom Vertragszweck spricht, mit dem iranischen Kriegsministerium zusammenzuarbeiten, dann wäre dies aus völkerrechtlich-legislativer Sicht atypisch, spräche daraus doch allein die Sicht eines der beiden Vertragspartner. Man hat also regelkonform davon auszugehen, dass diese Textierung im Artikel 1 bedeuten soll, dass die dort angesprochene Kooperation eine verbunden dreiseitige ist: einerseits die miteinander verwobene irano-amerikanische Agitation, wie sie durch das Abkommen geschaffen wird, andererseits die verbliebenen, davon nicht betroffene autarke iranische Struktur. Mit anderen Worten: das Militärabkommen (im Verein mit dem Gendarmerie-Abkommen) schuf miteinander strukturell verwobene US-amerikanische-iranische Verteidigungsapparate: eine Fusion, gleichsam.

Damit konform geht, dass im zuvor zitierten Artikel 6 an erster Stelle nicht präzisiert wird, welches Kriegsministerium gemeint ist, während an zweiter von jenem Minister Irans die Rede ist. Beachte dazu insbesondere, dass etwa im Artikel 5 dem *War Department* sehr wohl *of the United States* hinzugefügt wurde.

We are near you, where you can't even imagine. We are the nation of martyrdom, we are the nation of Imam Hossein, you better ask. Come; we are ready. We are the man of this arena. You know that this war would mean annihilation of all your means. You may begin the war, but it is us who will end it.

So laut [PressTV](#) am 26. Juli 2018 Irans Major General QASSEM SOLEIMANI in einem Tweet an die Adresse der USA bzw. des US-Präsidenten.

In Artikel 7 des Militär-Abkommens 1847, welcher offenlässt, wer ihn bestellt, wird die oben angestellte These, wonach der *Chief of the Mission* der Vertreter des US-Präsidenten sei, bestätigt, wenn er lautet:

ARTICLE 7. The senior officer of the Mission shall be appointed Chief of the Mission. Other members of the Mission shall be assigned duties by the Chief of Mission as indicated by the table of organization and approved by the Minister of War of Iran, or such other duties as may be agreed upon between the Minister of War of Iran and the Chief of the Mission.

Diese Diskrepanz verquickt sich mit dem *assignment*, welchem nach Artikel 5 der iranische Kriegsminister zustimmen hat. Rückwirkungen auf die Wahl des US-Präsidenten sind hier, unter Berücksichtigung einer derart nahen Verwobenheit, nicht auszuschließen!

Dass im nachfolgenden Artikel 8 nunmehr bedeutungsschwanger von der *Mission* die Rede ist, an welcher demnach ja iranische Einflüsse eine wesentliche Rolle mitspielen, bestätigt das zuvor Erschlossene zusätzlich:

ARTICLE 8. The duties of the Mission shall be to advise and assist the Ministry of War of Iran and its several departments as well as subordinate sections of the General Staff with respect to plans, problems concerning organization, administrative principles and training methods. These duties involve the principles of work of the General Staff and all departments of the Ministry of War in Tehran and their field agencies except tactical and strategical plans or operations against a foreign enemy, which are not related to the duties of the Mission.

Indem Artikel 8 von *several departments* spricht, meint es offenbar nicht das *Advisory Department* laut Satz 1 des Artikels 6, welches ja, wie zuvor dargelegt, als Anteil der Mission eigenständig ist, sodass damit auch bestätigt ist, dass das ebendort genannte Kriegsministerium weder jenes des Iran noch jenes der USA meint, sondern das unmittelbar darauf in Verteidigungsministerium umbenannte Pentagon, das demnach auch iranisch ist.

Der Passus: *with respect to plans, problems concerning organization, administrative principles and training methods*, im ersten Satz des Artikels 8 ist näher betrachtenswert. Die beiden fett hervorgehobenen Worte stehen offenbar in der

grammatikalischen Form der Apposition zu einander, was Rückschlüsse auf die Absichtlichkeit oder doch zumindest Inkaufnahme des heutigen Chaos auch zulässt. Man hat dabei, wie schon an vielen anderen Orten von uns dargelegt, zu beachten, dass in vielerlei Hinsicht ein beabsichtigtes Chaos voneinander war, Forschung und Entwicklung voranzutreiben, doch stets ein kontrolliertes. Es wieder aufzuräumen, bleibt jenen vorbehalten und als sie rettende Funktion konserviert, die es angestellt und bereitet haben: als die kompetentesten und den Kompetenten, bzw. deren Nachfolger und allenfalls Erben.

Im zweiten Satz wird nun erstmals konzediert, dass das Kriegsministerium (nicht Irans, sondern) in Teheran, eines ist, das auch Amerikanisches inkludiert. Dass *tactical and strategical plans or operations against a foreign enemy* vom Aufgabengebiet der Mission ausgenommen sein sollen, wird durch die Tatsache eingeschränkt, dass vor dem *which*, das den letzten Halbsatz einleitet, ein Beistrich steht, womit sich jener konzessiv und pleonastisch (mitnichten aber als Hendiadys) nur auf solche Pläne etc. bezieht, die eben nicht in Beziehung zur Mission gesetzt worden sind, was offenlässt, ob bzw. dass manche nicht doch in solche Beziehung gesetzt werden dürften, was die Ausnahme aufhöbe. Selbst wenn dies als zu spitzfindig betrachtet werden sollte, findet die Formulierung *foreign enemy* immerhin eine Auflösung dahin, dass damit nicht Feinde in den eigenen Reihen im Sinne von Nicht-Mitgliedern der menschlichen Familie laut Präambel der UDHR gemeint sind, was freilich – sprechen wir doch von Militärischem – auch in Richtung Ausartung zum Selbstzweck, welche unterstützt werden sollte, völlig missdeutet werden könnte und bis zur UNCLOS, die völkerrechtswidrigen militärischen Befehl als Sklaventreiberei begründet hat, offenbar wurde.

Artikel 9 lautet:

ARTICLE 9. Members of the Mission will assume neither command nor staff responsibility in the Iranian Army. They may, however, make such official inspections and investigations as may be necessary and are approved by the Minister of War of Iran and directed by the Chief of the Mission.

Dass dem iranischen Kriegsminister lediglich das Gutheißen, nicht aber die Anleitung der Missionsmitglieder zu steht, ist eine Konzession an die US-amerikanische Verfassung, wie oben erörtert.

Artikel 10 regelt den Stand der Missionsmitglieder, wie folgt:

ARTICLE 10. Each member of the Mission shall serve in the Mission with the rank he holds in the United States Army but shall have precedence over all Iranian Army officers of the same rank. Each member of the Mission shall be entitled to all benefits and privileges which the regulations of the Iranian Army provide for officers of corresponding rank of the Iranian Army. Members of the Mission shall wear the United States Army uniform with a shoulder sleeve insignia indicating service with the Iranian Army.

Rosinenpickerei zwar, doch angesichts der Aufgaben ist diese durchaus gerechtfertigt. Auch hier wird auf die oben erörterte, im oben zitierten Briefwechsel vorgenommene redaktionelle Umstellung des Wortlauts verwiesen.

Artikel 11 sieht Interessantes vor:

ARTICLE 11. Members of the Mission in case of violation of the laws and regulations of the Iranian Government, may be separated from the service of the Iranian Army and in such case will have only the right to draw travel expenses back to America.

Zum einen sind US-amerikanische Regeln weder geschützt, noch auch relevant. Zum anderen wird in Verbindung mit den Versorgungsregeln, die, wie vorweggenommen werden kann, den oben erörterten des Gendarmerie-Abkommens analog sein werden, klargestellt, dass deren Vorteile nicht Rechtsbrechern am iranischen System zustehen sollen. Die Assoziation, die hier ansteht, ist jene mit dem Brief aus Langley an die Tataren aus 1306¹⁵, womit sich ein Kreis gleichsam schließt, nämlich jener hin zu Durchsetzung und Bewahrung der höchsten Intelligenz über politische und religiöse Grenzen hinweg.

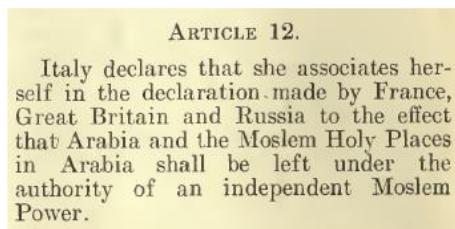
Artikel 12 lautet:

¹⁵ https://ahlambauer.files.wordpress.com/2011/03/13071130_brief_eduard_ii_gb_tartaren_langley12.pdf.

ARTICLE 12. In the normal execution of their duties as defined in Article 8 and 9, the Chief of the Mission, and other members when so directed by him, are authorized to visit and inspect any part of the Iranian military establishment, and officers in authority shall facilitate such inspections and make available plans, records, reports, and correspondence as required. Members of the Mission will not concern themselves with secret matters except when it is essential to their duties and then only with the approval of the Ministry of War. Each member of the Mission has the obligation not to divulge or in any way to disclose to any foreign government or any person whatsoever any secret or confidential matter of which he may have become cognizant in his capacity as a member of the Mission. This obligation shall continue in force after the termination of the services of the member of the mission and after the expiration or cancellation of this agreement.

Bezeichnend, nicht nur der Umfang des Zugangs der Missionsmitglieder auch zu Geheimnissen des iranischen Militärs, sondern auch die Tatsache, dass auch hier nicht mehr wirklich offenbleibt, welches Kriegsministerium gemeint ist. Dass es das Pentagon sein könnte, ist hier, an dieser fortgeschrittenen Stelle zu relativieren, zumal Artikel 12 von der oben zitierten und erörterten Redaktion nicht betroffen war. Mag also auch gut sein, dass es ein in die Zukunft deutendes, erst ins Leben zu rufendes, aus dem Schlaf zu erweckendes Ministerium sein sollte, dessen Strukturen bereits geschaffen sein würden, um zum Abruf bereit zu stehen.¹⁶

An dieser Stelle ist abermals der London Treaty (1915)¹⁷ hervorzukehren, namentlich dessen Artikel 12, der da lautet, wie folgt:



Das hier gebrauchte *independent* muss nicht notwendigerweise mit souverän¹⁸ gleichsetzbar sein, sondern kann sich auch bloß auf wirtschaftliche Agenden, oder gar nur jene beziehen, die im Artikel hier selbst genannt sind. Ich verweise dazu auf meine Briefe in der U-Haft, an meine Tochter aus Weihnachten 2017/Neujahr 2018 sowie auf [PressTV](#) von soeben.

Nunmehr zur Versorgung. Artikel 13 ff lauten:

ARTICLE 13. Members of the Mission shall receive from the Government of Iran such fixed annual compensation and emoluments, payable in American currency or dollar draft or check, allowances as may be agreed upon between the Government of the United States of America and the Government of Iran for each member. Such compensation and emoluments shall be paid in twelve (12) equal monthly installments, each due and payable on the last day of the month. The compensation and emoluments shall not be subject to any tax, now or hereafter in effect, of the Government of Iran or of any of its political or administrative subdivisions. Should there, however, at present or while this agreement is in effect, be any taxes that might affect such compensation and emoluments, such taxes shall be borne by the Ministry of War of Iran, in order to comply with the provisions of this Article that the compensation agreed upon shall be net.

ARTICLE 14. The compensation and emoluments indicated in the preceding article shall commence for each member of the Mission upon arrival in Iran and, except as otherwise expressly provided in this agreement, shall continue, following the termination of duty with the Mission, or following the termination of the Mission under Article 4 of this agreement, likewise for the return trip to the United States of America and thereafter for the period of any accumulated leave which may be due the member.

ARTICLE 15. The additional compensation and emoluments due for the period of the return trip and accumulated leave shall be paid to each member of the Mission before his departure from Iran and such compensation and emoluments shall be computed for travel by the shortest route usually travelled to the port of entry in the United States of America, regardless of the route and method of travel used by the member of the Mission.

¹⁶ Vgl. in diesem Zshg. das im Artikel 9 aufscheinende *approve* bzw. dessen sekundäre, archaische Bedeutung laut OXFORD DICTIONARY: *prove; show; he approved himself ripe for military command.*

¹⁷ <https://archive.org/details/agreementbetween00franrich>.

¹⁸ Denkbar ist freilich, dass – was allein mit einer seriösen Auslegung konform gehen könnte – dieses *independent* ein erstes Zeugnis des 20. Jahrhunderts für das Bewusstsein ist, dass staatliche Souveränität, insbesondere soweit sie über Eigentumsansprüche auf Territorium ausgeübt wird, der verurteilten Vergangenheit anzugehören hat.

Schon, dass Artikel 14 allein auf akkumulierte Urlaube abstellt, ist programmatisch und bezeichnend genug. Artikel 16 aber besagt, was folgt:

ARTICLE 16. During the period of the present national emergency in the United States of America, expense of transportation of each member of the Mission and his household effects, baggage and automobile from and to the United States of America shall be paid by the Government of the United States of America. If the period of this agreement extends beyond the date on which the national emergency in the United States of America is terminated, notification of the termination of the national emergency having been communicated to the Government of Iran in writing by the Government of the United States of America, expenses (except in case a member is replaced with less than two years service in the Mission for the convenience of the Government of the United States of America) for transportation of each member of the Mission and his household effects, baggage and automobile shall be paid by the Government of Iran. First-class accommodations for travel will be furnished the members of the Mission via the shortest usually traveled route between the port of embarkation in the United States of America and their official residence in Iran, both for the outward and return journey.

US-Präsident FRANKLIN D. ROOSEVELT erklärte im Zusammenhang mit dem Zweiten Weltkrieg am 8. September 1939 einen nationalen Notstand¹⁹, ferner einen weiteren am 27. Mai 1941²⁰. In seiner *Special Message to the Congress on Termination of Emergency and Wartime Powers*²¹ sprach US-Präsident HARRY S. TRUMAN diese beiden Ausnahmezustände an, hob sie aber nicht auf. Mit seiner *Proclamation 2974—Termination of the National Emergencies Proclaimed on September 8, 1939, and May 27, 1941*²², vom 28. April 1952, erklärte HARRY S. TRUMAN die beiden vorgenannten Ausnahmezustände für beendet, was insofern bezeichnend ist, als Frieden mit Deutschland zu dieser Zeit, ja noch nicht einmal der Deutschlandvertrag mit den Drei Mächten, vom 26. Mai 1952²³, geschlossen war, was unsere These verdichtet, dass sowohl der Holocaust einen weitaus breiter angelegten internationalen Rückhalt hatte, als heute gemeinhin angenommen wird, als auch die Rolle Deutschlands als Kriegstreiber bisweilen und sektorale übertrieben bzw. überschätzt wird.

Die Frage, die sich in diesem Zusammenhang allerdings stellt, ist hingegen, ob nach US-amerikanischem Recht eine eigene Deklaration eines Notstandes durch den Präsidenten dann überhaupt notwendig ist, um einen Notstand zu begründen, wenn sich das Land kraft Kongressbeschlusses im erklärten Krieg mit einer feindlichen Nation befindet. So erklärten die USA Japan und Deutschland ja erst nach den beiden genannten Notstandserklärungen (aus 1939 bzw. 1941), und zwar Japan am 8. Dezember 1941 und Deutschland am 11. Dezember 1941, jeweils den Krieg, namentlich durch Kriegserklärungen in den *Joint Resolutions* [55 Stat. 795](#) bzw. [55 Stat. 796](#).

Siehe dazu auch [50 USC 1601](#), der da – beachte vor allem seinen Paragraphen (b)! – vorkehrt, was folgt:

- (a) All powers and authorities possessed by the President, any other officer or employee of the Federal Government, or any executive agency, as defined in section 105 of title 5, as a result of the existence of **any declaration of national emergency in effect** on September 14, 1976, are terminated two years from September 14, 1976. Such termination shall not affect—
- (1) any action taken or proceeding pending not finally concluded or determined on such date;
- (2) any action or proceeding based on any act committed prior to such date; or
- (3) any rights or duties that matured or penalties that were incurred prior to such date.
- (b) For the purpose of this section, the words "**any national emergency in effect**" means a general declaration of emergency made by the President.

Der US-amerikanische Gesetzgeber scheint hier also, indem er ausdrücklich den (vom Gesetz betroffenen) nationalen Notstand durch eine solche Erklärung durch den Präsidenten definiert, obschon im Paragraphen (a) ohnehin desgleichen von einer *declaration* die Rede ist, unsere Auffassung zu teilen, wonach es *emergencies* gibt, die nicht erklärt zu werden brauchen und somit auch nicht unter dieses Gesetz fallen.

Im Ergebnis ergibt sich, dass der durch die Kriegserklärung an Deutschland begründete nationale Notstand der USA nach wie vor aufrecht ist, sofern man den 2+4-Vertrag nicht als Friedensschluss bzw. dessen Feststellung betrachten möchte. Eine andere Sichtweise ist die, den Abschluss des Kapitels Hitler-Deutschland vermittelst eines 2+4-Vertrages

¹⁹ <http://www.presidency.ucsb.edu/ws/index.php?pid=15806>.

²⁰ <http://www.presidency.ucsb.edu/ws/index.php?pid=16120>.

²¹ <http://www.presidency.ucsb.edu/ws/index.php?pid=12823>.

²² <http://www.presidency.ucsb.edu/ws/index.php?pid=87328>.

²³ http://www.bgbli.de/Xaver/start.xav?startbk=Bundesanzeiger_BGBI&jumpTo=bgbli255008.pdf.

gerade als absichtlich gewählten Weg zu qualifizieren, der bewusst und gewollt einen Notstand gegenüber jenen Kreisen bestehen lassen sollte, welche nicht staatlich organisiert, obschon kriminell, außerhalb der menschlichen Familie stehen.²⁴

Artikel 17 bis 22 des Militär-Abkommens 1947 regeln weitere Versorgungsleistungen; sie lauten:

ARTICLE 17. At any time during the period of this agreement, as may be elected by each member, the family of each member of the Mission shall be furnished by the Government of Iran with first-class accommodations for travel, via the shortest usually traveled route between the port of embarkation in the United States of America and the official residence of the member in Iran, both for the outward and for the return journey. Throughout this agreement the term "Family" is limited to mean wife and dependent children.

ARTICLE 18. Compensation for transportation and travel expenses on official business of the Government of Iran shall be provided by the Government of Iran in accordance with the travel regulations of the Iranian Army.

Article 19. In addition to the United States Government transportation available to the Mission, the Government of Iran shall place other means of transportation (vehicle and aircraft) at the disposal of the Mission, when deemed necessary for the performance of official duties and will provide one third of the gasoline and oils required for the United States Government vehicles at the disposal of the Mission, as determined by the Chief of the Mission. The number and type of United States Government vehicles shall be determined by the War Department of the United States of America and authority is granted for the entry and exit from Iran, in accordance with the existing law, of one United States Army aircraft with crew as considered necessary by the Chief of the Mission, in the performance of official duties, provided that the Chief of the Mission previously informs the Iranian authorities concerned of the matter according to existing rules and regulations of Iran. All the United States Government vehicles placed at the disposal of the Mission for operation within Iran will be subject to the laws of Iran.

Article 20. The Government of Iran shall provide for members of the Mission suitable office space and facilities such as office equipment, stenographic and clerical help, civilian interpreters and orderlies, as indicated on the table of organization of the Advisory Department, and shall give necessary assistance for the smooth operation and improvement of the work of the Mission.

Article 21. If any member of the Mission, or any of his family, should die in Iran, the Government of Iran shall have the body transported to such place in the United States of America as the surviving members of the family may decide, but the cost to the Government of Iran shall not exceed the cost of transporting the remains from the place of decease to New York City. Should the deceased be a member of the Mission, his services with the Mission shall be considered to have terminated fifteen (15) days after his death. Return transportation to New York City for the family of the deceased member and for their baggage, household effects, and automobile shall be provided as prescribed in Article 17. All allowances due the deceased member, including salary for fifteen (15) days subsequent to his death, and reimbursement for expenses and transportation due the deceased member for travel performed on official business of the Government of Iran, shall be paid to the widow of the deceased member or to any other person who may have been designated in writing by the deceased while serving under the terms of this agreement; but such widow or other person shall not be compensated for accrued leave due and not taken by the deceased.

Article 22. If a member of the Mission becomes ill or suffers injury, he shall, at the discretion of the Chief of the Mission, be placed in such hospital as the Chief of the Mission deems suitable, after consultation with the Ministry of War of Iran, and all expenses incurred as the result of such illness or injury while the patient is a member of the Mission and remains in Iran shall be paid by the Government of Iran. If the hospitalized member is a commissioned officer, he shall pay his cost of subsistence. Families will enjoy the same privileges agreed upon in this article for members of the Mission, except that a member of the Mission shall in all cases pay the cost of subsistence incident to hospitalization of a member of his family. Any member of the Mission unable to perform his duties with the Mission by reason of long continued physical disability shall be replaced.

²⁴ Dass der Kriegszustand mit Deutschland mit der Resolution vom 19. Oktober 1951, [65 Stat. 451](#), als beendet erklärt wurde, ändert daran angesichts des aufrechten und darüber hinaus andauernden Besatzungszustandes (insbesondere) in Westdeutschland nichts. (*Fußnote eingefügt am 17. Februar 2022.*)

Für Artikel 19 gilt das oben zur Redaktion Gesagte.

Artikel 23 regelt Urlaubsansprüche:

Article 23. Each member of the Mission shall be entitled to one month's annual leave with pay, or to a proportional part thereof with pay for any fractional part of the year. Unused portions of said leave shall be cumulative from year to year during service as a member of the Mission. This leave may be spent in Iran, in the United States of America, or in other countries, but the expense of travel and transportation not otherwise provided for in this agreement shall be borne by the member of the Mission taking such leave. All travel time on leave shall count as leave. The Government of Iran agrees to grant the leave herein specified according to the written application approved by the Chief of Mission with due consideration for the convenience of the Government of Iran.

Interessant ist die Form und Grundlage der Garantie, welche Iran hier erklärt.

Artikel 24 erhält eine (zulässige) Konkurrenzklause zulasten Dritter:

Article 24. So long as this agreement, or any extension thereof, is in effect, the Government of Iran shall not engage the services of any personnel of any other foreign government for duties of any nature connected with the Iranian Army, except by mutual agreement between the Government of the United States of America and the Government of Iran.

Dass hier von *any extension* die Rede ist, vermag, der Unbestimmtheit wegen, das oben zur Unstimmigkeit im Hinblick auf Artikel 3 Gesagte nicht zu ändern.

Artikel 25 enthält Zollbefreiungen betreffs persönlicher Gebrauchsgegenstände.

Article 25. The Government of Iran shall grant exemption from custom duties or other imports on articles imported into Iran by members of the Mission for their personal use or the use of their families, provided that their request for free entry has received the approval of the Ambassador of the United States of America or the Chargé d'Affaires, ad interim, and from all export duties on articles purchased in Iran for their personal use or the use of their families. The Government of Iran shall grant free and unrestricted passage of mail to and from members of the Mission from and to the United States when transportation of such mail is furnished by the Government of the United States of America. The Chief of the Mission is responsible that no contraband is sent or received by members of the Mission or their families.

Das Militär-Abkommen 1947 endet mit der Unterzeichnungsklausel, wie folgt:

IN WITNESS WHEREOF, the undersigned Mahmoud Djam, Minister of War of Iran, and George V. Allen, Ambassador Extraordinary and Plenipotentiary of the United States of America, have signed this agreement in duplicate in the English and Persian languages, at Tehran, this sixth day of October one thousand nine hundred and forty-seven.

Geo. V. ALLEN
Ambassador of the United States of America

M. DJAM