

No. 1054

**UNITED STATES OF AMERICA
and
NETHERLANDS**

**Mutual Defense Assistance Agreement (with annexes). Signed
at Washington, on 27 January 1950**

Official texts: English and Dutch.

Registered by the United States of America on 13 February 1951.

**ÉTATS-UNIS D'AMÉRIQUE
et
PAYS-BAS**

**Accord relatif à l'aide pour la défense mutuelle (avec annexes).
Signé à Washington, le 27 janvier 1950**

Textes officiels anglais et néerlandais.

Enregistré par les Etats-Unis d'Amérique le 13 février 1951.

No. 1054. MUTUAL DEFENSE ASSISTANCE AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
THE NETHERLANDS. SIGNED AT WASHINGTON, ON
27 JANUARY 1950

The Governments of the United States of America and the Netherlands;
Being parties to the North Atlantic Treaty signed at Washington on
April 4, 1949;²

Conscious of their reciprocal pledges under Article 3 separately and
jointly with the other parties, by means of continuous and effective self-help
and mutual aid, to maintain and increase their individual and collective ability
to resist armed attack;

Desiring to foster international peace and security, within the framework
of the Charter of the United Nations through measures which will further the
ability of nations dedicated to the purposes and principles of the Charter to
participate effectively in arrangements for individual and collective self-defense
in support of those purposes and principles;

Reaffirming their determination to give their full cooperation to the efforts
to provide the United Nations with armed forces as contemplated by the
Charter and to obtain agreement on universal regulation and reduction of
armaments under adequate guarantee against violation;

Recognizing that the increased confidence of free peoples in their own
ability to resist aggression will advance economic recovery;

Taking into consideration the support that the Government of the United
States of America has brought to these principles by enacting the Mutual
Defense Assistance Act of 1949³ which provides for the furnishing of military
assistance to nations which have joined with it in collective security arrange-
ments;

Desiring to set forth the understandings which will govern the transfer
of such assistance;

Have agreed as follows:

¹ Came into force on 27 January 1950, as from the date of signature, in accordance with
article VI.

² United Nations, *Treaty Series*, Vol. 34, p. 243.

³ United States of America: Public Law 329, 81st Congress; 63 Stat. 714.

Article I

1. Each Government, consistently with the principle that economic recovery is essential to international peace and security and must be given clear priority, will make or continue to make available to the other, and to other governments, such equipment, materials, services, or other military assistance as the government furnishing such assistance may authorize and in accordance with such terms and conditions as may be agreed. The furnishing of any such assistance as may be authorized by either party hereto shall be consistent with the Charter of the United Nations and with the obligations under Article 3 of the North Atlantic Treaty. Such assistance shall be so designed as to promote an integrated defense of the North Atlantic area and to facilitate the development of, or be in accordance with, defense plans under Article 9 of the North Atlantic Treaty approved by each Government. Such assistance as may be made available by the United States of America pursuant to this Agreement will be furnished under the provisions, and subject to all of the terms, conditions and termination provisions, of the Mutual Defense Assistance Act of 1949, acts amendatory and supplementary thereto and appropriation acts thereunder. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. Each Government undertakes to make effective use of assistance received pursuant to paragraph 1 of this Article

(a) for the purpose of promoting an integrated defense of the North Atlantic Area, and for facilitating the development of defense plans under Article 9 of the North Atlantic Treaty, and

(b) in accordance with defense plans formulated by the North Atlantic Treaty Organization recommended by the North Atlantic Treaty Defense Committee and Council, and agreed to by the two Governments.

3. Neither Government, without the prior consent of the other, will devote assistance furnished to it by the other Government to purposes other than those for which it was furnished.

4. In the common security interest of both Governments, each Government undertakes not to transfer to any person not an officer or agent of such Government, or to any other nation, title to or possession of any equipment, materials, or services, furnished on a grant basis, without the prior consent of the Government furnishing such equipment, materials or services.

Article II

1. Each Government will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.
2. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished by the other Government pursuant to this Agreement.

Article III

The two Governments will, upon request of either of them, negotiate appropriate arrangements between them respecting responsibility for patent or similar claims based on the use of devices, processes, technological information or other forms of property protected by law in connection with equipment, materials or services furnished pursuant to this Agreement or furnished in the interest of production undertaken by agreement of the two Governments in implementation of pledges of self-help and mutual aid contained in the North Atlantic Treaty. In such negotiations consideration shall be given to the inclusion of an undertaking whereby each Government will assume the responsibility for all such claims of its nationals and such claims arising in its jurisdiction of nationals of any country not a party to this Agreement.

Article IV

1. Subject to the provision of the necessary appropriations, the Government of the Netherlands undertakes to make available to the United States Embassy at The Hague guilders for its administrative expenditures within the Netherlands in connection with carrying out this Agreement. The two Governments will forthwith initiate discussions with a view to determining the amount of such guilders and to agreeing upon arrangements for the furnishing of such guilders.
2. The Government of the Netherlands will, except as otherwise agreed to, grant duty-free treatment and exemption from taxation upon importation or exportation to products, property, materials or equipment imported into its territory in connection with this Agreement or any similar agreement between the United States of America and any other country receiving military assistance.

Article V

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. Each Government agrees to receive personnel of the other Government who will discharge in its territory the responsibilities of the other Government under this Agreement and who will be accorded facilities to observe the progress of assistance furnished pursuant to this Agreement. Such personnel who are nationals of that other country, including personnel temporarily assigned, will, in their relations with the Government of the country to which they are assigned, operate as a part of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government of such country.

Article VI

1. This Agreement shall enter into force on the date of signature; and will continue in force until one year after the receipt by either party of written notice of the intention of the other party to terminate it, provided that, if notification of ratification of this Agreement by the Government of the Netherlands is not received by the Government of the United States of America within forty-five days after the signature of this Agreement,¹ the Agreement will terminate immediately upon the receipt by the Government of the Netherlands of a notice in writing that the Government of the United States of America no longer considers itself bound by the Agreement.

2. The terms of this Agreement shall at any time be reviewed at the request of either Government. Such review shall take into account, where appropriate, agreements concluded by either Government in connection with the carrying out of Article 9 of the North Atlantic Treaty.

3. This Agreement may be amended at any time by agreement between the two Governments.

4. The Annexes to this Agreement form an integral part thereof.

5. This Agreement shall be registered with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the respective representatives, duly authorized for the purpose, have signed this Agreement.

¹ Notification of ratification of the Agreement by the Government of the Netherlands was received by the Government of the United States of America on 28 March 1950.

DONE at Washington, in duplicate, in the English and Dutch languages, both texts authentic, this twenty-seventh day of January, 1950.

For the Government of the United States of America:
Dean ACHESON

For the Government of the Kingdom of the Netherlands:
E. N. VAN KLEFFENS

ANNEX A

In the course of discussions of the Mutual Defense Assistance Agreement under the United States Mutual Defense Assistance Act of 1949, the following understandings were reached by the representatives of the Governments of the United States of America and the Netherlands:

1. For the purposes of Article I, paragraphs 2 and 3, fungible materials and minor items of equipment which, for all practical purposes, are fungible, shall be treated as such. Accordingly, in the case of such fungible materials or equipment, the requirements of Article I, paragraphs 2 and 3, will be satisfied if each Government devotes to the purposes of this Article either the particular items furnished or an equivalent quantity of similar and substitutable items.

2. Similarly, in the case of finished products manufactured by either Government with assistance furnished under this Agreement, the requirements of Article I, paragraphs 2 and 3, will be satisfied if the recipient Government devotes to the purposes of Article I, paragraphs 2 and 3, either such finished products or an equivalent quantity of similar and substitutable finished products.

3. Further, in the light of paragraphs 1 and 2 above, neither Government will refuse its consent under Article I, paragraph 4, to the transfer of a major item of indigenous equipment merely because there may have been incorporated into it as an identifiable component part a relatively small and unimportant item of assistance furnished under this Agreement by the other Government. The two Governments will forthwith discuss detailed arrangements for a practical procedure for granting consent in respect of the types of transfer referred to in this paragraph.

4. Each Government will nevertheless make all practicable efforts to use items of assistance for the purposes for which they may have been furnished by the other.

ANNEX B

In connection with the Mutual Defense Assistance Agreement and based upon the principle of mutual aid enunciated in that Agreement, the two Governments agree as follows:

In the event of the cessation of the effectiveness of Article V of the Economic Cooperation Agreement¹ between the Government of the United States of America

¹ United Nations, *Treaty Series*, Vol. 20, p. 91.

and the Government of the Netherlands signed on July 2, 1948 at The Hague prior to the cessation of the Agreement between the two Governments under the United States Mutual Defense Assistance Act, the Government of the Netherlands will, for so long as the Agreement between the two Governments under the Mutual Defense Assistance Act remains in effect, facilitate the production and transfer to the Government of the United States of America, for such period of time, in such quantities and upon such terms and conditions as may be agreed upon, of raw and semi-processed materials required by the United States as a result of deficiencies or potential deficiencies in its own resources and which may be available in the Netherlands. Arrangements for such transfers shall give due regard to reasonable requirements for domestic use and commercial export of the Netherlands.

The Government of the Netherlands intends to consult the Governments of the territories to which the Economic Cooperation Agreement has been or may be extended under Article XII of that Agreement, with a view to securing their consent to the continued extension to those territories of the provisions of paragraphs 1 and 3 of Article V of the Economic Cooperation Agreement, so long as the Mutual Defense Assistance Agreement between the two Governments remains in effect.

ANNEX C

In implementation of paragraph 1 of Article IV of the Mutual Defense Assistance Agreement, the Government of the Netherlands will deposit guilders at such times as requested in an account designated by the United States Embassy at The Hague, not to exceed in total 1,055,000 guilders for its use on behalf of the Government of the United States for administrative expenditures within the Netherlands in connection with carrying out that Agreement for the period ending June 30, 1950.

ANNEX D

Provision is made in Article V, paragraph 2, of the Mutual Defense Assistance Agreement, as follows:

“Each Government agrees to receive personnel of the other Government who will discharge in its territory the responsibilities of the other Government under this Agreement and who will be accorded facilities to observe the progress of the assistance furnished pursuant to this Agreement.”

In the course of discussions on the Agreement, representatives of the two Governments have stated on behalf of their respective Governments that the facilities to be so accorded shall be reasonable and not unduly burdensome upon the Government according such facilities.

ANNEX E

In recognition of the fact that personnel who are nationals of one country, including personnel temporarily assigned, will in their relations with the Government

of the country to which they are assigned, operate as a part of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government of such country, it is understood, in connection with Article V, paragraph 2, of the Mutual Defense Assistance Agreement, that the status of such personnel, considered as part of the Diplomatic Mission of such other Government, will be the same as the status of personnel of corresponding rank of that Diplomatic Mission who are nationals of that other country.

The personnel will be divided by the Government assigning such personnel into 3 categories:

(a) Upon appropriate notification of the other, full diplomatic status will be granted to the senior military member and the senior Army, Navy and Air Force officer assigned thereto, and to their respective immediate deputies.

(b) The second category of personnel will enjoy privileges and immunities conferred by international custom, as recognized by each Government, to certain categories of personnel of the Embassy of the other, such as the immunity from civil and criminal jurisdiction of the host country, immunity of official papers from search and seizure, right of free egress, exemption from customs duties or similar taxes or restrictions in respect of personally owned property imported into the host country by such personnel for their personal use and consumption, without prejudice to the existing regulations on foreign exchange, exemption from internal taxation by the host country upon salaries of such personnel. Privileges and courtesies incident to diplomatic status such as diplomatic automobile license plates, inclusion on the "Diplomatic List", and social courtesies may be waived by both Governments for this category of personnel.

(c) The third category of personnel will receive the same status as the clerical personnel of the Diplomatic Mission.

It is understood between the two Governments that the number of personnel in the 3 categories above will be kept as low as possible.

The status as described above will be substituted by such status for appropriate officials and agents of the countries parties to the North Atlantic Treaty as may be agreed by those countries.

ANNEX F

Whereas this Agreement, having been negotiated and concluded on the basis that the Government of the United States of America will extend to the other party thereto the benefits of any provision in a similar agreement concluded by the Government of the United States of America with any other country party to the North Atlantic Treaty, it is understood that the Government of the United States of America will interpose no objection to amending this Agreement in order that it may conform, in whole or in part, to any other similar agreement, or agreements amendatory or supplementary thereto, concluded with a party to the North Atlantic Treaty.