

No. 2366

**UNITED STATES OF AMERICA
and
NETHERLANDS**

**Exchange of notes constituting an agreement relating to
mutual security. The Hague, 8 January 1952**

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Official text: English.

Registered by the United States of America on 14 November 1953.

**ÉTATS-UNIS D'AMÉRIQUE
et
PAYS-BAS**

**Échange de notes constituant un accord relatif à la sécurité
mutuelle. La Haye, 8 janvier 1952**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 14 novembre 1953.

No. 2366. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE NETHERLANDS RELATING TO MUTUAL SECURITY. THE HAGUE, 8 JANUARY 1952

I

*The American Chargé d'Affaires ad interim to the Netherlands Minister
for Foreign Affairs*

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

AMERICAN EMBASSY

THE HAGUE

No. 385

January 8, 1952

Excellency :

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the Economic Cooperation Agreement between the United States of America and the Kingdom of the Netherlands signed at The Hague on July 2, 1948, as heretofore amended,² to the Mutual Defense Assistance Agreement between our two Governments, signed at Washington, D.C. on January 27, 1950,³ and to the enactment by the Congress of the United States of the Mutual Security Act of 1951, Public Law 165, 82nd Congress.⁴ I also have the honor to confirm the understandings reached as a result of these conversations, as follows :

The Government of the Netherlands has expressed adherence to the purposes and policies of the Economic Cooperation Act of 1948 as heretofore amended,⁵ including the statement of purpose contained in Section 2 of the Mutual Security Act of 1951, which recognizes the primary importance of strengthening the mutual security and individual and collective defenses of the free world, developing their resources in the interest of the security and independence and national interest of friendly countries and facilitating the effective participation of those countries in the United Nations system for collective security.

¹ Came into force on 8 January 1952 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 20, p. 91; Vol. 93, p. 361; Vol. 141, p. 368, and Vol. 173, p. 373.

³ United Nations, *Treaty Series*, Vol. 80, p. 219.

⁴ United States of America : 65 Stat. 373.

⁵ United States of America : 62 Stat. 137; 22 U.S.C. § 1501 *et seq.*

Whenever reference is made in any of the articles of such Economic Cooperation Agreement to the Economic Cooperation Act of 1948, or of such Mutual Defense Assistance Agreement to the Mutual Defense Assistance Act of 1949, as amended,¹ such reference shall be construed as meaning the Economic Cooperation Act of 1948, or the Mutual Defense Assistance Act of 1949, respectively, as heretofore amended.

1. The Government of the Netherlands has by reason of earlier international acts and undertakings agreed to :

a. Join in promoting international understanding and good will, and maintaining world peace;

b. Take such action as may be mutually agreed upon to eliminate causes of international tension;

c. Fulfill the military obligations which it has assumed under multilateral or bilateral agreements or treaties to which the United States is a party;

d. Make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources, facilities, and general economic conditions to the development and maintenance of its own defensive strength and the defensive strength of the free world;

e. Take all reasonable measures which may be needed to develop its defense capacities; and

f. Take appropriate steps to insure the effective utilization of the economic and military assistance provided by the United States.

2. The two Governments will establish procedures under which equipment and materials furnished by the Government of the United States under the Mutual Defense Assistance Act of 1949, as amended, or by either Government under the Mutual Defense Assistance Agreement of January 27, 1950, other than equipment or materials furnished under terms requiring reimbursement, and no longer required for the purposes for which originally made available will be offered for return to the Government which furnished such assistance for appropriate disposition.

3. Sums allocated to the use of the Government of the United States of America pursuant to paragraph 4 of Article IV of the Economic Cooperation Agreement may be used by the Government of the United States of America for its expenditures in any area.

4. Paragraph 6 of Article IV of the Economic Cooperation Agreement shall include expenditures for military production, construction, equipment and material. It shall also include expenditures for the encouragement of emigration from participating countries having permanent surplus manpower to areas, particularly the undeveloped and dependent areas, where such manpower can be effectively utilized.

¹ United States of America : 63 Stat. 714; 22 U.S.C. §§ 1571-1604.

5. In lieu of the date referred to in paragraph 7 of Article IV of the Economic Cooperation Agreement, the amount of unencumbered balances referred to in that paragraph shall be determined as of the date of the termination of the assistance program under this Agreement.

6. The two Governments will establish procedures whereby the Government of the Netherlands will so deposit, segregate, or assure title to all funds allocated to or derived from any program of assistance undertaken by the Government of the United States so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when the Government of the Netherlands is advised by the Government of the United States that any such legal process would interfere with the attainment of the objectives of the program of assistance.

Upon receipt of a Note from your Government indicating that the foregoing provisions are acceptable to the Netherlands Government, the Government of the United States of America will consider that this Note and your reply thereto constitute an agreement between the two Governments on this subject which shall enter into force on the date of your Note in reply.

Accept, Excellency, the assurances of my highest consideration.

William C. TRIMBLE
Chargé d'Affaires, ad interim

His Excellency Mr. D. U. Stikker
Royal Netherlands Minister for Foreign Affairs
Plein 23
The Hague

II

*The Netherlands Minister of Foreign Affairs to the American
Chargé d'Affaires ad interim*

MINISTRY OF FOREIGN AFFAIRS
THE HAGUE

No. 24441

The Hague, January 8, 1952

Sir,

I have the honor to acknowledge receipt of your note no. 385 dated January 8, 1952, and reading as follows :

[See note I]

I have the honor to confirm that the provisions contained in the note quoted above are acceptable to her Majesty's Government and that the aforementioned note and the present reply constitute an agreement between the Governments of the United States of America and of the Netherlands.

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

STIKKER
Minister of Foreign Affairs

William C. Trimble Esq.
Chargé d'Affaires ad interim
American Embassy
The Hague