

No. 3393

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

**Mutual Defense Assistance Agreement (with related note).
Signed at Bonn, on 30 June 1955**

Official texts: English and German.

Registered by the United States of America on 9 May 1956.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord d'assistance pour la défense mutuelle (avec note y
relative). Signé à Bonn, le 30 juin 1955**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 9 mai 1956.

No. 3393. MUTUAL DEFENSE ASSISTANCE AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
THE FEDERAL REPUBLIC OF GERMANY. SIGNED
AT BONN, ON 30 JUNE 1955

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

Considering their reciprocal pledges under Article 3 of the North Atlantic Treaty separately and jointly with the other parties, by means of continuous and effective self-help and mutual aid, to maintain and develop their individual and collective capacity to resist armed attack;

Conscious of the desire to foster international peace and security through measures which further the ability of nations dedicated to the purposes and principles of the Charter of the United Nations to participate effectively in arrangements for collective self-defense in support of those purposes and principles, and conscious of the determination to give their full cooperation to United Nations collective security arrangements and measures and efforts to obtain agreement on universal regulation and reduction of armaments under adequate guarantees against violation or evasion;

Considering the support which the Government of the United States of America has brought to these principles by enacting the Mutual Security Act of 1954, which authorizes the furnishing of military assistance to certain nations;

Desiring to set forth the conditions which will govern the furnishing of such assistance;

Have agreed as follows:

Article I

1. The Government of the United States of America will make available to the Government of the Federal Republic of Germany such equipment, materials, services, or other assistance as the Government of the United States of America may authorize and in accordance with such terms and conditions as may be agreed. Such assistance as may be made available by the Government

¹ Came into force on 27 December 1955, upon the deposit of the instrument of ratification by the Federal Republic of Germany with the Government of the United States of America, in accordance with article XI.

² United Nations, *Treaty Series*, Vol. 34, p. 243, and Vol. 126, p. 350.

of the United States of America under the agreement will be furnished under the authority and subject to all of the terms, conditions and termination provisions of the Mutual Security Act of 1954, acts amendatory and supplementary thereto and appropriation acts thereunder. The furnishing and use of any such assistance shall be consistent with the principles of the Charter of the United Nations and with the principles of Article 3 of the North Atlantic Treaty.

2. The Government of the Federal Republic of Germany will make effective use of assistance received under this agreement for the purpose of promoting an integrated defense of the North Atlantic area in accordance with defense plans formulated by the North Atlantic Treaty Organization, and will not use such assistance for any act inconsistent with the strictly defensive character of the North Atlantic Treaty, or, without the prior consent of the Government of the United States of America, for any other purpose. The two Governments will establish arrangements in which both Governments will participate to ensure that equipment and materials received under this agreement, other than equipment or material sold under Section 106 of the Mutual Security Act of 1954, and no longer required or used exclusively for the purpose for which they were furnished or in accordance with the terms and conditions under which they were furnished will be offered for return to the Government of the United States of America for appropriate disposition.

3. In the common security interest of the parties, the Government of the Federal Republic of Germany will not transfer to any person not an officer or agent of that Government, or to any nation other than the United States of America, title to or possession of any equipment, materials, property, information, or services furnished pursuant to this Agreement without the prior consent of the Government of the United States of America.

4. The Government of the Federal Republic of Germany may use equipment, materials, or services acquired from the Government of the United States of America on a reimbursable basis under the agreement (exchange of notes) of November 23, 1953,¹ for the purpose for which it will use equipment, materials, or services acquired under this Agreement.

Article II

1. The Government of the Federal Republic of Germany will make available to the Government of the United States of America and to such other governments as the parties hereto may in each case agree upon, such equipment, materials, services, or other assistance as may be authorized, in accordance

¹ United Nations, *Treaty Series*, Vol. 224, p. 107.

with such terms and conditions as may be agreed between the two Governments. The furnishing and use of such assistance shall be consistent with the principles of the Charter of the United Nations and with the obligations under Article 3 of the North Atlantic Treaty.

2. In conformity with the principle of mutual aid, the Government of the Federal Republic of Germany will 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, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in the territory of the Federal Republic of Germany. Arrangements shall give due regard to the requirements of the Federal Republic of Germany for domestic use and commercial export of such materials.

Article III

The two Governments will, upon the request of either of them, negotiate appropriate arrangements relating to the exchange of patent rights and technical information for defense, in order to expedite such exchanges and at the same time protect private interests and maintain necessary security safeguards.

Article IV

1. The Government of the Federal Republic of Germany will take such security measures as may be agreed between the two Governments in order to prevent the disclosure or compromise of classified equipment, materials, services, or information furnished pursuant to this Agreement.

2. Each Government will, consistent with security requirements, take appropriate measures to keep the public informed of operations under this Agreement.

Article V

The two Governments will establish procedures whereby the Government of the Federal Republic of Germany 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 of America so that such funds shall not, unless otherwise agreed hereafter, be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government.

Article VI

The Government of the Federal Republic of Germany will grant tax relief to activities of the Government of the United States of America under this Agreement, or any similar agreement between the Government of the United States of America and the government of any other country receiving military assistance, in accordance with the Agreement between the United States of America and the Federal Republic of Germany Concerning Tax Relief to be Accorded by the Federal Republic to United States Expenditures in the Interest of the Common Defense, signed at Bonn, October 15, 1954.¹

Article VII

The Government of the Federal Republic of Germany will make available to the Government of the United States of America German currency for the use of the Government of the United States of America in adequate amounts for its administrative and operating expenditures in connection with this agreement. Discussions will be initiated forthwith with a view to determining the nature of the expenditures and the amount of such currency.

Article VIII

The Government of the Federal Republic of Germany will receive in its territory personnel of the Government of the United States of America, including personnel temporarily assigned, who will discharge the responsibilities of the Government of the United States of America with respect to the equipment, materials, and services furnished by the latter Government. Such personnel will operate as part of the Embassy of the United States of America under the direction and control of the Chief of the Diplomatic Mission of the United States of America. These personnel will be accorded authority and facilities to carry out continuous observation and review of operations under the program of assistance provided under this agreement, including the utilization of military assistance furnished by the Government of the United States of America, and the Government of the Federal Republic of Germany will provide any information as to these matters which may be requested by the Government of the United States of America. The personnel, including dependents, will be divided into two categories :

- a) Upon appropriate notification by the Chief of the Diplomatic Mission of the United States of America, 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.

¹ United Nations, *Treaty Series*, Vol. 239, p. 135.

- 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 United States of America, 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 custom 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 the Government of the United States of America for this category of personnel.

It is understood between the two Governments that the number of personnel in the two categories above will be kept as low as possible. In the event that the status, privileges and immunities of such personnel in any other North Atlantic Treaty country are modified pursuant to agreement with such other country, the Government of the United States of America will interpose no objection to amending this agreement in order that the status, privileges and immunities provided shall conform to those in such other North Atlantic Treaty country.

Article IX

The Government of the Federal Republic of Germany will consistent with its rights and obligations as a member of the North Atlantic Treaty Organization and under The Convention on Relations between the Three Powers and the Federal Republic of Germany and its Related Conventions as amended by the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany.¹

- a) join in promoting international understanding and good will and maintaining world peace; take such action as may be mutually agreed upon to eliminate causes of international tension; and fulfill the military obligations which it has assumed under multilateral or bilateral agreements, treaties or other instruments to which the United States of America is a party or in which the United States of America has an interest;
- b) make, consistent with its political and economic stability and international obligations the full contribution permitted by its manpower, resources,

¹ United States of America : *Treaties and Other International Acts Series 3425.*

facilities, and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world and take all reasonable measures which may be needed to develop its defense capacities.

Article X

In order to safeguard the common interests and the resources of the two Governments, the Government of the Federal Republic of Germany will cooperate with the Government of the United States of America in the implementation of security controls agreed or to be agreed over the export of strategic goods.

Article XI

1. This Agreement shall enter into force upon the deposit of an instrument of ratification by the Federal Republic of Germany with the Government of the United States of America and shall 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, except that the provisions of Article I, paragraphs 2 and 3, and arrangements entered into under Article I, paragraph 2, Article III, Article IV, paragraph 1, and Article V, shall remain in force unless otherwise agreed by the two Governments.

2. The two Governments shall, upon the request of either of them, consult regarding any matter relating to the application or amendment of this Agreement. Such consultation 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. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this Agreement.

4. This Agreement shall be registered with the Secretariat of the United Nations.

DONE at Bonn, in duplicate in the English and German languages, both texts authentic, this thirtieth day of June 1955.

For the United States of America :
James Bryant CONANT

For the Federal Republic of Germany :
V. BRENTANO

NOTE

The American Embassy to the Ministry for Foreign Affairs of the Federal Republic of Germany

No. 65

The Embassy of the United States of America presents its compliments to the Federal Ministry for Foreign Affairs and has the honor to refer to the Mutual Defense Assistance Agreement between the Federal Republic of Germany and the United States of America, signed today at Bonn,¹ and to confirm the understanding that, in the course of carrying out the observation and review functions provided by Article VIII thereof, the personnel of the United States will perform such functions in consultation with the appropriate authorities of the Federal Republic and, consistent with operational necessities, in accordance with such procedures as may be generally followed in other countries with which the United States has similar agreements.

The American Embassy
Bonn/Bad Godesberg, June 30, 1955

¹ See p. 54 of this volume.