

No. 5276

**UNITED STATES OF AMERICA
and
NEW ZEALAND**

Exchange of notes constituting an agreement relating to a grant for procurement of nuclear research and training equipment and materials. Wellington, 23 March 1960

Official text: English.

Registered by the United States of America on 4 August 1960.

**ÉTATS-UNIS D'AMÉRIQUE
et
NOUVELLE-ZÉLANDE**

Échange de notes constituant un accord relatif à l'octroi d'un don en vue de l'acquisition de matériel et de matières pour la recherche et la formation nucléaires. Wellington, 23 mars 1960

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 4 août 1960.

No. 5276. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND NEW ZEALAND RELATING TO A GRANT FOR PROCUREMENT OF NUCLEAR RESEARCH AND TRAINING EQUIPMENT AND MATERIALS. WELLINGTON, 23 MARCH 1960

I

The American Ambassador to the Minister of External Affairs of New Zealand

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA
AMERICAN EMBASSY

No. 62

Wellington, March 23, 1960

Excellency :

I have the honour to refer to discussions which have taken place between our two Governments in the course of which the New Zealand Government expressed its interest in receiving assistance from the Government of the United States of America in the acquisition of certain nuclear research and training equipment and materials.

I now have the honour to inform Your Excellency's Government that approval of a grant for this purpose has been given, and to propose the following understandings on the basis of which funds would be furnished :

1. The equipment and materials to be acquired in accordance with this note shall be used for peaceful purposes only.
2. The Government of New Zealand shall procure, or arrange for procurement of, all equipment and materials to be financed hereunder, and shall meet the costs of transportation, insurance while in transit, installation, and operation of this equipment and material.
3. The Government of New Zealand shall insure that 50 percent of the gross tonnage of equipment and materials financed hereunder which may be transported on ocean vessels shall be transported on United States-flag vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

¹ Came into force on 23 March 1960 by the exchange of the said notes.

4. Funds granted by the Government of the United States shall be available only to purchase such equipment and materials, or their equivalents, and in amounts not in excess of such prices, as may be established by the United States Atomic Energy Commission. Any difference between the amount established by the Commission and the actual cost may not be applied toward purchase of other items.

5. The manner and procedures for procurement of equipment and materials as provided in this note shall be established by the United States Atomic Energy Commission and notified to the Government of New Zealand.

6. Copies of technical publications deriving from use of equipment and materials financed hereunder will be provided currently to the Government of the United States, and an appropriate plaque acknowledging the assistance of the Government of the United States will be permanently displayed in the laboratory in which the equipment and materials financed hereunder are located.

7. The Government of New Zealand shall indemnify and save harmless the Government of the United States against any and all liabilities from any cause whatsoever, including third party liability, which may result from the operation or use of any equipment and materials furnished hereunder.

If these understandings are acceptable to Your Excellency's Government, this note and Your Excellency's reply concurring therein shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

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

Francis H. RUSSELL

His Excellency Right Honorable Walter Nash, C.H.
Minister of External Affairs
Wellington

II

The Minister of External Affairs of New Zealand to the American Ambassador

OFFICE OF THE MINISTER OF EXTERNAL AFFAIRS
WELLINGTON

23 March, 1960

Excellency,

I have the honour to acknowledge the receipt of your note of today's date, the text of which reads as follows :

[See note I]

I have the honour to inform you that the New Zealand Government accepts the foregoing understandings and will regard your note and the present reply as constituting an Agreement between our two Governments which shall enter into force on today's date.

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

W. NASH
Minister of External Affairs

His Excellency Mr. Francis H. Russell
Ambassador of the United States of America
Wellington