

No. 5847

**UNITED STATES OF AMERICA
and
NETHERLANDS**

**Exchange of notes constituting an agreement relating to a
weapons production program. The Hague, 24 March
1960**

Official text: English.

Registered by the United States of America on 5 September 1961.

**ÉTATS-UNIS D'AMÉRIQUE
et
PAYS-BAS**

**Échange de notes constituant un accord relatif à un pro-
gramme de production d'armes. La Haye, 24 mars 1960**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 5 septembre 1961.

No. 5847. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE NETHERLANDS RELATING TO A WEAPONS PRODUCTION PROGRAM. THE HAGUE, 24 MARCH 1960

I

The American Ambassador to the Netherlands Minister of Foreign Affairs

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 436

The Hague, March 24, 1960

Excellency :

I have the honor to refer to recent discussions between representatives of our two Governments concerning a Weapons Production Program, the purpose of which is to increase the capacity of North Atlantic Treaty² Organization countries, jointly and severally, to produce, maintain, repair, and overhaul equipment and materials needed for their mutual defense.

As a result of these discussions, the following understandings were reached :

1. The Government of the United States of America will furnish under the Weapons Production Program to the Government of the Kingdom of the Netherlands such equipment, materials, services, and information as may be mutually arranged in accordance with paragraph 8 hereof, to assist in the production, maintenance, repair, and overhaul of equipment and materials needed for the common defense.

2. The assistance furnished by the Government of the United States of America under this program will be made available in accordance with the terms and conditions of the Mutual Defense Assistance Agreement between the United States of America and the Netherlands signed on January 27, 1950³ and agreements amendatory and supplementary thereto.

3. The Weapons Production Program shall be carried on through mutually agreed projects, which may include projects carried on solely by the Netherlands as well as joint projects of coordinated production. Such joint projects may include those in which

¹ Came into force provisionally on 24 March 1960, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243, p. 308.

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

NATO countries carry out the project work through the North Atlantic Treaty Organization, including subsidiary bodies of the North Atlantic Council. Accordingly, assistance furnished by the Government of the United States of America under this agreement may, at the request of the Government of the Kingdom of the Netherlands, be furnished to the North Atlantic Treaty Organization or such a subsidiary body. The undertakings of the Government of the Kingdom of the Netherlands set forth in this agreement will extend to all joint projects in which the Netherlands participates as well as to projects carried out exclusively by the Government of the Kingdom of the Netherlands.

4. *a.* The Government of the Kingdom of the Netherlands, in connection with assistance intended to create or expand facilities under this program, will :

- (1) Maintain or cause to be maintained those facilities which the Government of the United States of America has assisted to establish or expand so that they will be in a condition properly to produce, maintain, repair, and overhaul equipment and materials, when they may be required. Pending such time, such additional facilities and equipment furnished by the Government of the United States of America may be used for other agreed purposes, provided that such use will not interfere with the ready availability of such facilities for use for the purpose for which they were established or expanded.
- (2) Furnish all of the land, buildings, equipment, materials, and services required for such additional facilities, except for the equipment, materials, services, and information to be furnished either by the Government of the United States of America or by other governments participating in joint projects, and take whatever measures are required to establish or expand such facilities in good operating order.
- (3) Use its best efforts to maintain or cause to be maintained in usable condition a total capacity of facilities for the production or fabrication, for military purposes, of equipment and materials of the same type as those which may be produced or fabricated in a facility established or expanded with the assistance of the Government of the United States of America, which shall not be less than the aggregate of the capacity of such facilities already existing, those already programmed for construction in the Netherlands under public or private ownership on the date of the conclusion of the project arrangements for such a corresponding facility, and those established or expanded with United States assistance.
- (4) Maintain or cause to be maintained in usable condition a total capacity of facilities for the maintenance, repair, or overhaul of military equipment or materiel of the same type as those established or expanded with the assistance of the Government of the United States of America, which shall not be less than the aggregate of the capacity of such facilities already existing, those already programmed for construction in the Netherlands under public ownership on the date of the conclusion of the project arrangement for such a corresponding facility, and those established or expanded with United States assistance.

b. The undertakings in this paragraph with respect to the maintenance of facilities are subject to the understanding that should changed conditions make continued com-