



Treaty Series No. 13 (1950)

Mutual Defence Assistance Agreement

between the Government of the United Kingdom
of Great Britain and Northern Ireland
and the Government of the
United States of America

[with Annexes and Statement]

Washington, 27th January, 1950

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty*

LONDON
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Cmd. 7894

**MUTUAL DEFENCE ASSISTANCE AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE GOVERN-
MENT OF THE UNITED STATES OF AMERICA**

Washington, 27th January, 1950

The Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America ;

Being parties to the North Atlantic Treaty signed at Washington on 4th April, 1949⁽¹⁾ ;

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 ;

Desiring to foster international peace and security, within the framework of the Charter of the United Nations⁽²⁾ 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-defence in support of those purposes and principles ;

Reaffirming their determination to give their full co-operation 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 ;

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

Taking into consideration the support that has been brought to these principles by the Government of the United Kingdom in affording military assistance to other parties of the North Atlantic Treaty and by the Government of the United States of America in enacting the Mutual Defence Assistance Act of 1949 which provides for the furnishing of military assistance to nations which have joined with it in collective security arrangements ;

Desiring to set forth the conditions which will govern the furnishing of military assistance by one contracting Government to the other under this Agreement ;

Have agreed as follows :—

ARTICLE I

1. Each contracting Government, consistently with the principle that economic recovery is essential to international peace and security and must be given clear priority, and in accordance with its obligations under Article 3 of the North Atlantic Treaty, will make available to the other such equipment, materials, services, or other military assistance as the contracting Government furnishing such assistance may authorise, in accordance with detailed arrangements from time to time to be made between them. The Government of the United Kingdom in fulfilment of its obligations under Article 3 of the North Atlantic Treaty will furnish or continue to furnish to other parties to the North Atlantic Treaty such equipment, materials, services, or other military assistance as it may authorise. The furnishing of assistance by the Government of the United States of America under this Agreement will be under the provisions, and subject to all the terms, conditions, and termination

(1) "Treaty Series No. 56 (1949)," Cmd. 7789.

(2) "Treaty Series No. 67 (1946)," Cmd. 7015.

provisions of the Mutual Defence Assistance Act of 1949, acts amendatory and supplementary thereto and appropriation acts thereunder.

2. Such assistance shall be so designed as to promote the integrated defence of the North Atlantic area and to facilitate the development of, or be in accordance with, defence plans under Article 9 of the North Atlantic Treaty approved by each contracting Government.

ARTICLE II

1. Each contracting Government undertakes to make effective use of assistance received pursuant to Article I of this Agreement—

- (a) for the purpose of promoting an integrated defence of the North Atlantic Area, and for facilitating the development of defence plans under Article 9 of the North Atlantic Treaty ; and
- (b) in accordance with defence plans formulated by the North Atlantic Treaty Organisation, recommended by the North Atlantic Treaty Council and Defence Committee, and agreed to by the two contracting Governments.

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

ARTICLE III

In the common security interest of both contracting Governments, each contracting Government undertakes not to transfer to any person not an officer or agent of such contracting 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 contracting Government furnishing such equipment, materials, or services.

ARTICLE IV

The provisions of Article V of the Economic Co-operation Agreement signed at London on 6th July, 1948,⁽²⁾ shall be regarded as an integral part of this Agreement.

ARTICLE V

1. Each contracting Government will take such security measures as may be agreed in each case between the two contracting Governments in order to prevent the disclosure or compromise of any classified military articles, services, or information furnished by the other contracting Government pursuant to this Agreement.

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

ARTICLE VI

The two contracting Governments will negotiate appropriate arrangements between them respecting responsibility for claims for the use or infringement of inventions covered by patents or patent applications, trade-marks, or copyrights, or other similar claims arising from the use of devices, processes, or technological information in connexion with equipment, materials, or services furnished pursuant to this Agreement, or furnished in the interests of production undertaken by agreement between the two contracting Governments in

(²) "Treaty Series No. 41 (1948)," Cmd. 7469.

implementation of the pledges of self-help and mutual aid contained in the North Atlantic Treaty.

ARTICLE VII

1. Subject to the provision of the necessary appropriations, the Government of the United Kingdom will make available to the Government of the United States of America sterling for the use of the latter Government for its administrative expenditures within the United Kingdom in connexion with assistance furnished by the Government of the United States of America to the Government of the United Kingdom under this Agreement.

2. The two contracting Governments will initiate forthwith discussions with a view to determining the amount of such sterling and agreeing upon arrangements for the furnishing of such sterling.

ARTICLE VIII

1. Except as otherwise agreed, the Government of the United Kingdom will grant exemption from customs duties and other taxes on importation and also from taxes on exportation, in respect of goods owned by the Government of the United States of America and imported by it into the United Kingdom as assistance under this agreement or as assistance under any similar agreement between the United States of America and any other party to the North Atlantic Treaty.

2. Goods imported under this exemption may not be disposed of by way either of sale or gift in the country into which they have been imported, except to a Government party to the North Atlantic Treaty or under conditions agreed with the Government of the country into which they have been imported.

ARTICLE IX

1. Each contracting Government agrees to receive personnel of the other contracting Government who will discharge in its territories the responsibilities of the latter Government under this Agreement and will be accorded facilities to observe the progress of assistance furnished in pursuance of this Agreement.

2. Such personnel will, in their relations to the Government of the country to which they are assigned, operate as part of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government which they are serving.

3. The Government of the United Kingdom will, upon appropriate notification from the Ambassador of the United States of America in the United Kingdom, consider such personnel as part of the Embassy of the United States of America in the United Kingdom for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank.

ARTICLE X

The furnishing of any assistance under this Agreement shall be consistent with the obligations of the two contracting Governments under the Charter of the United Nations and under Article 3 of the North Atlantic Treaty.

ARTICLE XI

1. The two contracting 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. The terms of this Agreement shall at any time be reviewed at the

request of either contracting Government. Such review shall take into account, where appropriate, agreements concluded by either contracting Government in connexion 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 contracting Governments.

ARTICLE XII

1. This Agreement shall enter into force on notification to the Government of the United States of America by the Government of the United Kingdom of its acceptance thereof.⁽⁴⁾

2. This Agreement will terminate one year after the receipt of notification by either contracting Government of the intention of the other to terminate it.

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

In witness whereof the respective representatives, duly authorised for the purpose, have signed the present Agreement.

Done at Washington, in duplicate, this twenty-seventh day of January, 1950.

For the Government of the United Kingdom of Great Britain and Northern Ireland :

(Sd.) OLIVER FRANKS.

For the Government of the United States of America :

(Sd.) DEAN ACHESON.

⁽⁴⁾ The Agreement came into force on 27th January, 1950.

ANNEXES

ANNEX A

During the course of negotiations, representatives of the two contracting Governments have stated their understanding that either contracting Government shall be free at any time to suspend or terminate the furnishing of assistance under Article I of the Mutual Defence Assistance Agreement.

ANNEX B

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

1. For the purposes of Article II, 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 II will be satisfied if each contracting 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 contracting Government with assistance furnished under this Agreement, the requirements of Article II will be satisfied if the recipient Government devotes to the purposes of Article II 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 contracting Government will refuse its consent under Article III 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 contracting Government. The two contracting 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 contracting 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 C

It is understood that for the purpose of furthering the mutual defence of the two countries the obligations undertaken by the Government of the United Kingdom by virtue of Article IV of the Mutual Defence Assistance Agreement will continue to apply to the United Kingdom of Great Britain and Northern Ireland after the termination of the Economic Co-operation Agreement. The Government of the United Kingdom intends to consult the Governments of the territories to which the Economic Co-operation 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 Article V of the Economic Co-operation Agreement, so long as those provisions remain an integral part of the Mutual Defence Assistance Agreement.

ANNEX D

During the course of the negotiations of the Mutual Defence Assistance Agreement, the representatives of the two contracting Governments have reached the understanding that the following points will be considered in the negotiations provided for in Article VI:—

- (a) The inclusion of an undertaking whereby each contracting Government would assume the responsibility for all the patent or similar claims of its nationals referred to in Article VI of the said Agreement and for such claims arising in its jurisdiction of nationals of any country not a party to this Agreement.
- (b) The terms on which inventions would be communicated to contractors with a view to protecting the commercial rights of inventors.
- (c) Rights in improvements or other modifications of patented inventions.
- (d) Arrangements for the protection of secret processes and secret technological information, as distinct from patented and patentable inventions.
- (e) The system for disclosing the users and the extent of the use of the patents, trade secrets and copyrights referred to in Article VI.

ANNEX E

Provision is made in Article VII, paragraph 1, of the Mutual Defence Assistance Agreement as follows:—

“ Subject to the provision of the necessary appropriations, the Government of the United Kingdom will make available to the Government of the United States of America sterling for the use of the latter Government for its administrative expenditures within the United Kingdom in connexion with assistance furnished by the Government of the United States of America to the Government of the United Kingdom under this Agreement.”

In the course of discussions on the Agreement, representatives of the Government of the United States of America stated that in the event that the Government of the United Kingdom shall in the future furnish grant assistance to the Government of the United States of America, involving the delivery of materials and equipment to the United States, the Government of the United States of America, if so requested by the Government of the United Kingdom, and subject to legislative authorisation, shall provide dollars for the use of the Government of the United Kingdom for its administrative expenditures within the United States in connexion with the furnishing of such assistance. The representatives of the Government of the United States of America advised the representatives of the Government of the United Kingdom that dollar expenditures in the United States which may be incurred as a result of the training of British personnel in the United States under this Agreement can be met out of funds made available under the United States Mutual Defence Assistance Act of 1949.

ANNEX F

In implementation of paragraph 1 of Article VII of the Mutual Defence Assistance Agreement between the Governments of the United Kingdom and of the United States of America, the Government of the United Kingdom will deposit sterling at such times as requested in an account designated by the United States Embassy at London, not to exceed in total £53,500 for its use on behalf of the Government of the United States for administrative expenditures within the United Kingdom in connexion with carrying out that Agreement for the period ending 30th June, 1950.

ANNEX G

Provision is made in Article VIII, paragraph 1, of the Mutual Defence Assistance Agreement, as follows :—

“Except as otherwise agreed, the Government of the United Kingdom will grant exemption from customs duties and other taxes on importation and also from taxes on exportation, in respect of goods owned by the Government of the United States of America and imported by it into the United Kingdom as assistance under this Agreement or as assistance under any similar agreement between the United States of America and any other party to the North Atlantic Treaty.”

In the course of discussions on the Agreement, representatives of the Government of the United States of America stated that in the event that the Government of the United Kingdom shall, in the future furnish grant assistance to the Government of the United States of America, involving the delivery of materials and equipment to the United States, the Government of the United States of America, if so requested by the Government of the United Kingdom, and subject to legislative authorisation, will, except as otherwise agreed to, grant duty-free treatment and exemption from internal taxation upon importation or exportation to such materials and equipment imported into its territory in connexion with this Agreement.

ANNEX H

With respect to Article VIII, paragraph 1, of the Mutual Defence Assistance Agreement, the representatives of the United Kingdom stated that arrangements would be made wherever possible within the framework of existing United Kingdom legislation to exempt items of assistance, imported by the Government of the United Kingdom into the United Kingdom as assistance under the Agreement, from customs duties and other taxes on importation.

ANNEX I

Provision is made in Article IX, paragraph 1, of the Mutual Defence Assistance Agreement, as follows :—

“Each contracting Government agrees to receive personnel of the other contracting Government who will discharge in its territories the responsibilities of the latter Government under this Agreement and will be accorded facilities to observe the progress of assistance furnished in pursuance of 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 J

It is understood that the Government of the United States of America in making the notifications referred to in Article IX, paragraph 3, of the Mutual Defence Assistance Agreement, would bear in mind the desirability of restricting, so far as practicable, the number of officials for whom full diplomatic privileges would be requested. It is also understood that the

detailed application of Article IX, paragraph 3, would, when necessary, be the subject of inter-governmental discussion.

ANNEX K

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.

STATEMENT BY HIS MAJESTY'S GOVERNMENT ON SIGNATURE OF MUTUAL DEFENCE ASSISTANCE AGREEMENT WITH UNITED STATES, 27TH JANUARY, 1950

In signing to-day the Anglo-United States Agreement regarding Mutual Defence Assistance, His Majesty's Government desire to make the following statement :—

(1) His Majesty's Government are already making the maximum contribution to mutual aid in the form of the facilities already being given by them to the United States forces and the large contribution which they have made, and are making, towards defence under the Brussels and North Atlantic Treaties. They are thus not in a position to undertake any further substantial commitments without endangering their economic recovery.

(2) Under Article VII of the Agreement, His Majesty's Government have undertaken, subject to the provision of the necessary appropriations, to meet administrative expenditures incurred by the United States Government within the United Kingdom in connexion with assistance furnished by the United States Government to the Government of the United Kingdom under this Agreement. The basis on which the sum mentioned in the memorandum of understanding as a maximum was arrived at has not been discussed in detail with His Majesty's Government. The United States Government has, however, given assurances that it is willing to discuss the basis and that it will only draw sterling under Article VII as required to meet actual administrative expenditures arising out of the furnishing of assistance to the United Kingdom. Thus His Majesty's Government is not committed to expenditure at the rate implied by the maximum sum named in the memorandum.

(3) All other questions involving expenditure in connexion with mutual aid shall form the subject of subsequent discussions between the two Governments, and the signature of the present Agreement shall not be taken as committing His Majesty's Government to any new or continued expenditure other than the administrative costs referred to in paragraph (2) above.

LONDON

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