

July 8, 1942
[E. A. S. 259]

Preliminary agreement between the United States of America and the Netherlands respecting principles applying to mutual aid in the prosecution of the war against aggression. Signed at Washington July 8, 1942; effective July 8, 1942. And exchange of notes.

Whereas the Governments of the United States of America and the Kingdom of the Netherlands declare that they are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the bases of a just and enduring world peace securing order under law to themselves and all nations;

And whereas the Governments of the United States of America and the Kingdom of the Netherlands, as signatories of the Declaration by United Nations of January 1, 1942, [1] have subscribed to a common program of purposes and principles embodied in the Joint Declaration made on August 14, 1941 by the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, known as the Atlantic Charter;

55 Stat. 1603.

And whereas the President of the United States of America has determined, pursuant to the Act of Congress of March 11, 1941, [2] that the defense of the Kingdom of the Netherlands against aggression is vital to the defense of the United States of America;

22 U. S. C., Supp. I,
§§ 411-419.

And whereas the United States of America has extended and is continuing to extend to the Kingdom of the Netherlands aid in resisting aggression;

And whereas it is expedient that the final determination of the terms and conditions upon which the Government of the Kingdom of the Netherlands receives such aid and of the benefits to be received by the United States of America in return therefor should be deferred until the extent of the defense aid is known and until the progress of events makes clearer the final terms and conditions and benefits which will be in the mutual interests of the United States of America and the Kingdom of the Netherlands and will promote the establishment and maintenance of world peace;

And whereas the Governments of the United States of America and the Kingdom of the Netherlands are mutually desirous of concluding now a preliminary agreement in regard to the provision of defense aid and in regard to certain considerations which shall be taken into account in determining such terms and conditions and the making of such an agreement has been in all respects duly authorized, and all acts, conditions and formalities which it may have been necessary to perform, fulfill or execute prior to the making of such an agreement in conformity with the laws either of the United States of America or of the Kingdom of the Netherlands have been performed, fulfilled or executed as required;

¹ [Executive Agreement Series 236; 55 Stat. 1600.]

² [55 Stat. 31.]

The undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows:

ARTICLE I

The Government of the United States of America will continue to supply the Government of the Kingdom of the Netherlands with such defense articles, defense services, and defense information as the President of the United States of America shall authorize to be transferred or provided.

Aid to Netherlands.

ARTICLE II

The Government of the Kingdom of the Netherlands will continue to contribute to the defense of the United States of America and the strengthening thereof and will provide such articles, services, facilities or information as it may be in a position to supply.

Aid to United States.

ARTICLE III

The Government of the Kingdom of the Netherlands will not without the consent of the President of the United States of America transfer title to, or possession of, any defense article or defense information transferred to it under the Act of March 11, 1941 of the Congress of the United States of America or permit the use thereof by anyone not an officer, employee, or agent of the Government of the Kingdom of the Netherlands.

Transfer of title, etc.

ARTICLE IV

If, as a result of the transfer to the Government of the Kingdom of the Netherlands of any defense article or defense information, it becomes necessary for that Government to take any action or make any payment in order fully to protect any of the rights of a citizen of the United States of America who has patent rights in and to any such defense article or information, the Government of the Kingdom of the Netherlands will take such action or make such payment when requested to do so by the President of the United States of America.

Patent rights.

ARTICLE V

The Government of the Kingdom of the Netherlands will return to the United States of America at the end of the present emergency, as determined by the President of the United States of America, such defense articles transferred under this Agreement as shall not have been destroyed, lost or consumed and as shall be determined by the President to be useful in the defense of the United States of America or of the Western Hemisphere or to be otherwise of use to the United States of America.

Return of remaining articles.

ARTICLE VI

In the final determination of the benefits to be provided to the United States of America by the Government of the Kingdom of the Netherlands full cognizance shall be taken of all property, services, information, facilities, or other benefits or considerations provided

Credit for aid furnished by Netherlands.

by the Government of the Kingdom of the Netherlands subsequent to March 11, 1941, and accepted or acknowledged by the President on behalf of the United States of America.

ARTICLE VII

Terms and conditions of benefits.

55 Stat. 31.
22 U. S. C., Supp. I,
§§ 411-419.

55 Stat. 1603.

In the final determination of the benefits to be provided to the United States of America by the Government of the Kingdom of the Netherlands in return for aid furnished under the Act of Congress of March 11, 1941, the terms and conditions thereof shall be such as not to burden commerce between the two countries, but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end, they shall include provision for agreed action by the United States of America and the Kingdom of the Netherlands, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the Joint Declaration made on August 14, 1941, by the President of the United States of America and the Prime Minister of the United Kingdom.

At an early convenient date, conversations shall be begun between the two Governments with a view to determining, in the light of governing economic conditions, the best means of attaining the above-stated objectives by their own agreed action and of seeking the agreed action of other like-minded Governments.

ARTICLE VIII

Effective date; duration.

This Agreement shall take effect as from this day's date. It shall continue in force until a date to be agreed upon by the two Governments.

Signed and sealed in duplicate at Washington this eighth day of July, 1942.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

CORDELL HULL [SEAL]

Secretary of State

of the United States of America

FOR THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS:

A. LOUDON [SEAL]

Ambassador of the Kingdom

of the Netherlands at Washington

EXCHANGE OF NOTES

The Secretary of State to the Netherlands Ambassador

DEPARTMENT OF STATE
WASHINGTON

July 8, 1942.

EXCELLENCY:

In connection with the signature on this date of the Agreement between our two Governments on the Principles Applying to Mutual Aid in the Prosecution of the War Against Aggression, I have the honor to confirm our understanding that this Agreement replaces and renders inoperative, as from today, the prior Agreement between our two Governments on the same subject, dated August 9, 1941.

I have the honor also to confirm our understanding that the signature of this Agreement does not affect in any way the arrangements now being made through the Office of Lend-Lease Administration for the transfer to various agencies of the United States Government of certain aircraft, munitions, military property and procurement contracts of the Royal Netherlands Government in the United States, and for the reimbursements to be made to the Royal Netherlands Government in that connection.

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

CORDELL HULL
*Secretary of State
of the United States of America*

His Excellency
Dr. A. LOUDON,
Ambassador of the Netherlands.

The Netherlands Ambassador to the Secretary of State

NETHERLANDS EMBASSY
WASHINGTON, D. C.

No GA 1513

JULY 8, 1942

SIR,

In connection with the signature on this date of the Agreement between our two Governments on the Principles Applying to Mutual Aid in the Prosecution of the War Against Aggression, I have the honor to confirm our understanding that this Agreement replaces and renders inoperative, as from today, the prior Agreement between our two Governments on the same subject, dated August 9, 1941.

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the transfer to various agencies of the United States Government of certain aircraft, munitions, military property and procurement contracts of the Royal Netherlands Government in the United States, and for the reimbursements to be made to the Royal Netherlands Government in that connection.

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

A. LOUDON
*Ambassador of the Kingdom
of the Netherlands.*

The Honorable
THE SECRETARY OF STATE
Washington, D. C.