

Draft mutual defense assistance agreement between the United States and the EDC (May 1954)

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Draft mutual defense assistance agreement between the United States of America and the European Defense Community (May 1954)

ANNEX.....

The Government of the United States of America and the European Defense Community,

Conscious of the pledge of the member States of the European Defense Community by virtue of the protocol signed May 27, 1952, to come to the assistance of the parties to the North Atlantic Treaty in the event of an armed attack and the reciprocal pledge undertaken by the United States of America as a party to the North Atlantic Treaty by virtue of the protocol to the North Atlantic Treaty signed May 27, 1952, to come to the assistance of the member States of the European Defense Community in the event of an armed attack;

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

Taking into consideration the undertakings in support of these principles subscribed to by the Government of the United States and the member States of the European Defense Community in Mutual Defense Assistance Agreements;

Taking into consideration the support that the Government of the United States has brought to these principles in enacting the Mutual Defense Assistance Act of 1949, as amended, and the Mutual Security Act of 1951, as amended, which authorize the Government of the United States to furnish assistance in order to support concrete measures for political federation, military integration and economic unification in Europe as a means of building strength, establishing security, and preserving peace in the North Atlantic area;

Desiring to set forth the conditions which will govern the furnishing of military assistance by the Government of the United States to the European Defense Community;

Have agreed:

Article I

1. The Government of the United States will make available to the European Defense Community such equipment, materials, services or other military assistance as the Government of the United States may authorize and in accordance with such terms and conditions as may be agreed. The furnishing and use of any such assistance shall be consistent with the Charter of the United Nations and the reciprocal obligations undertaken by the member States of the Community by virtue of the Protocol annexed to the Treaty establishing the Community dated May 27, 1952, and by the parties to the North Atlantic Treaty by virtue of the Protocol to the North Atlantic Treaty signed the same day. Such assistance shall be so designed as to promote an integrated defense of the North Atlantic area and to facilitate the development of, and be in accordance with, defense plans under Article 9 of the North Atlantic Treaty. Such assistance as may be made available by The Government of the United States under this agreement will be furnished under the authority and subject to all of the terms, conditions and termination provisions contained in the Mutual Defense Assistance Act of 1949, the Mutual Security Act of 1951, acts amendatory and supplementary thereto and appropriation acts thereunder. The Government of the United States and the European Defense Community will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. The European Defense Community 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 the defense plans formulated by the North Atlantic Treaty Organization and will not, without the prior consent of the Government of the United States, devote such assistance to any other purpose. The Government of the

United States and the European Defense Community will establish arrangements to ensure that equipment and materials so received and no longer required or used by the European Defense Forces for this purpose in accordance with the terms and conditions under which they were furnished will be offered for return to the Government of the United States for appropriate disposition. These arrangements will include procedures to ensure that if any member State of the Community fails, either in respect of itself or of the European Defense Forces, to fulfill its obligations assumed under the Treaty with regard to the parties to the North Atlantic Treaty or fails to take such steps within its competence as are necessary to enable the Community to execute those provisions of the Treaty which concern its relationship with the NATO and its agencies and to fulfill its obligations assumed under this agreement, the European Defense Community, on request of the Government of the United States, shall cease to allocate assistance furnished under this agreement to European units originating from this member State. The European Defense Community shall, after consultation with the Government of the United States, redistribute among other European units such assistance as has been received by the Community under this agreement and has been delivered or is scheduled for delivery to units originating from that member State, unless the Government of the United States shall request return of such assistance.

3. In the common security interest of the parties, the European Defense Community undertakes not to transfer to any person not an officer or agent of the Community or to any nation other than the United States title to or possession of any equipment, materials, or services furnished pursuant to this agreement without the prior consent of the Government of the United States.

4. The European Defense Community will, within the limits of its powers under the Treaty, make available to the Government of the United States 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 with such terms and conditions as may be agreed.

Article II

1. The European Defense Community, taking notice that its member States have entered into certain agreements referred to in the preamble to this agreement, will within its competence use its best efforts to assist the member States in performing all undertakings contained in those agreements which are relevant to the purposes of this agreement. Nothing contained in this agreement shall affect the validity and duration of such agreements.

2. In the exercise of its powers, as provided for in the Treaty, the European Defense Community will cooperate in supporting collective action of the United States and the member States of the European Defense Community in order to join in promoting international understanding and good will and maintaining world peace, and to eliminate causes of international tension.

The European Defense Community will take all measures within its competence to fulfill the military obligations assumed by the member States in respect of the European Defense Forces as regards the parties to the North Atlantic Treaty, and to execute those provisions of the Treaty which concern its relationship with the North Atlantic Treaty Organization and its agencies.

The European Defense Community will, consistent with its powers, (1) make the full contribution permitted by the manpower, resources, and facilities at its disposal to the development and maintenance of its own defensive strength and the defensive strength of the free world, (2) take all reasonable measures which may be needed to develop its defense capacities, and (3) take appropriate steps to ensure the effective utilisation of any assistance provided by the United States.

3. The European Defense Community, considering that its member States have assured the Government of the United States that they 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 so that such funds shall not be subject to garnishment, attachment, seizure, or other legal process by any person, firm, corporation, organization or government, will, consistent with its powers, refrain from measures with regard to all funds

allocated to the European Defense Community or derived from any program of assistance to the European Defense Community undertaken by the Government of the United States which might involve such garnishment, attachment, seizure, or other legal process.

Article III

1. Each party will take appropriate measures consistent with security to keep the public informed of operations under this agreement.
2. Each party will take such security measures as may be agreed in each case in order to prevent the disclosure or compromise of classified equipment, materials, services, or information furnished by the Government of the United States pursuant to this agreement.

Article IV

In order to safeguard the common interests and the resources of the Community, the member States, and the United States, the European Defense Community will, within the limits of its powers, cooperate with the Government of the United States and the governments of the member States in the implementation of agreed security controls over the export of strategic goods.

Article V

1. The European Defense Community will make available to the Government of the United States currencies of the member States constituting the Community for the use of the Government of the United States 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 amount and kinds of such currency contributions.
2. The European Defense Community will accord to representatives of the Government of the United States authority and facilities to enable them to discharge the responsibilities of the Government of the United States with respect to the equipment, materials and services furnished by the latter government to the European Defense Community, to include observation of the utilization of any assistance furnished in pursuance of this agreement.
3. The European Defense Community will assist the representatives of the Government of the United States in the execution of the functions of the Government of the United States with respect to the military assistance furnished under the terms of this agreement. The European Defense Community Commissariat will provide the necessary authorization for representatives of the United States Government to make direct contact with the civil and military authorities and services of the European Defense Community.
4. The representatives of the United States Government will effect appropriate coordination with the North Atlantic Treaty Organization as well as with the European Defense Community and they will give proper consideration to any recommendations forthcoming from either of those organizations which would affect the provision of United States assistance.

Article VI

The parties will, upon request of either of them, negotiate, within the limits of their respective rights, 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 interests of third parties and maintain necessary security safeguards

Article VII

The parties to this agreement will, upon the request of either of them, consult regarding any matter relating

to the application or amendment of this agreement or to operations or arrangements carried out pursuant to this agreement.

Article VIII

Nothing in the present agreement shall be construed as affecting the interpretation of the Treaty and the powers provided therein,

Article IX

As used in this agreement :

(a) The expression "Treaty" means the Treaty Constituting the European Defense Community and the protocols listed in Article 127 thereof;

(b) The expressions "the European Defense Community" and "the Community" mean the European Defense Community as composed of those States which are members of the Community on the date of signature of this agreement or any other State party to the North Atlantic Treaty which may hereafter accede to the European Defense Community;

(c) The expression "officer or agent of the Community" is limited to nationals or other representatives of the States described in subparagraph (b) of this Article who are authorized to perform official functions under the direction or command of the Community;

(d) References to assistance, including references to equipment, materials and services furnished or received under this agreement include both assistance made available directly to the European Defense Community by the Government of the United States under this agreement and assistance furnished to the member States of the Community under the Mutual Defense Assistance agreements referred to in the preamble and transferred by such member States to the European Defense Community.

Article X

1. This agreement shall come into force upon signature and will terminate one year after receipt of notification by either party of the intention to terminate it, except that those provisions of Article I relating to the return of equipment, paragraphs 2, 3 and 4, Article II, paragraph 3 and Article III, paragraph 2, shall remain in force unless otherwise agreed between the parties.

2. The Annex to this agreement forms an integral part thereof.

3. This agreement shall be registered with the Secretariat of the United Nations.

ANNEX

1. The United States organization in Europe concerned with the furnishing of assistance under this agreement will be adapted to and will parallel the European Defense Community organization at all levels. The United States will have a central organization to work with the European Defense Community Commissariat in the implementation of its aid program. It is envisaged that Military Assistance Advisory Groups (MAAGS) will function in the six member States to work with appropriate European Defense Community elements. These MAAGS will operate under the general supervision of the central United States organization. Furthermore, separate United States elements will function, wherever necessary, to handle MDAP aid destined for forces remaining national.

2. It is contemplated that a complete logistical organization will be established under the Commissariat. Pending establishment of a complete logistical organization, the Commissariat will arrange to distribute to the designated unit end-item aid to be furnished under this agreement through an interim organization, or element thereof, of the European Defense Community, which, acting as its agent for this purpose, will be empowered to take title to equipment in the name of the European Defense Community. Accordingly, the Commissariat will designate existing logistics organizations to act as agents for the European Defense Community in the five countries now receiving aid. This will insure a continuous flow of aid to the EDC Forces originating from these countries. In the case of assistance destined for European Defense Forces of German origin, the Commissariat will create an interim organization and appoint agents to receive assistance so that, immediately following entry into force of this agreement, the orderly reception and maintenance of this equipment will be assured. In all cases the European Defense Community will take title to the assistance through its appointed agents.