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DEPARTMENT OF STATE
ASSISTANT SECRETARY
EUR

RAF Miller
-DJ

MAR 23 1960

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To: The Secretary
Through: S/S
From: EUR - Foy D. Kohler
Subject: Circular 175: Request for Authority to Negotiate Third Party
NATO Atomic Stockpile Agreement with the Netherlands

Discussion

Pursuant to Circular 175, authority is hereby sought to negotiate an agreement with the Netherlands to provide atomic support for Dutch NATO forces in Germany.

SACEUR plans through mid-1960 call for a Dutch NIKE battalion to be deployed in Germany. SACEUR thinks it desirable now that we move ahead with negotiations for this agreement, anticipating resolution in due course of current land acquisition problems in Germany (TAB B).

The Dutch Government is aware of the need for a Third Party Agreement and appears willing to open negotiations (TAB C).

On January 26, 1960 Ambassador Young signed an exchange of notes providing for the stockpiling of atomic weapons in the Netherlands. Since this agreement, by design, does not provide for Dutch forces to use the stockpile in Germany, it will be necessary to negotiate a further separate exchange of notes to provide for Dutch needs for atomic support in Germany.

The agreement we propose to submit to the Dutch (TAB A) is virtually identical with the Third Party Stockpile Agreement we are presently negotiating with France. It contains the same general principles as the stockpile agreements we have concluded with a number of other NATO countries. As in the case of other agreements, the most important provision in the Netherlands draft is Article 4, which provides that: "When the weapons are released by appropriate authority, they will be employed in accordance with procedures established by SACEUR." Since the Dutch have agreed to identical language concerning use of the weapons in the case of the Stockpile Agreement for the Netherlands itself, we anticipate no difficulty in obtaining their agreement to this provision in the proposed Third Party Agreement.

The proposed

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The proposed Third Party Agreement is consonant with the Atomic Stockpile Agreement (TAB D) we concluded on March 27, 1959 with Germany, which specifically provides for atomic support for third countries. At some point in the negotiation of the Dutch Third Party Agreement it will be desirable to inform the German Government. Whether the Dutch or ourselves might more appropriately do this will be determined as the negotiations proceed.

For national security reasons the proposed Agreement would be classified.

Recommendation

1. That, pursuant to Circular 175, you authorize our Ambassador or Charge in The Hague to negotiate, and sign an Agreement with the Netherlands on the basis of the text at TAB A, to provide atomic support for Dutch NATO forces in Germany, the text of the Agreement to be approved before signature by the Assistant Secretary of State for European Affairs or his deputy, the Legal Adviser or his deputy, and the Department of Defense; the text of the Agreement remaining classified for national security reasons.

Approve LDW 3/7/60

Disapprove _____

Concurrences

RA - Mr. Fessenden *RF* WE - Mr. McBride *RM* OSD/ISA - Mr. Lang *LA*
S/AE - Mr. Farley *FF* H - Mr. Macomber *WM* L - Mr. Hages *HL*
GER - Mr. Hillenbrand *AGV in M'4* *Raymond*

Attachments:

- 1. TAB A - Proposed Third Party Atomic Stockpile Agreement with the
- 2. TAB B - Paris' Telegram 3690. Netherlands.
- 3. TAB C - The Hague's G-134.
- 4. TAB D - Stockpile Agreement with Germany.

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2021-01-08