

LEND-LEASE ¹

*Agreement and exchange of notes signed at Washington July 11, 1942
Entered into force July 11, 1942*

56 Stat. 1565; Executive Agreement Series 262

AGREEMENT

Whereas the Government of the United States of America and the Royal Norwegian Government 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 Government of the United States of America and the Royal Norwegian Government, as signatories of the Declaration by United Nations of January 1, 1942,² 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;³

And whereas the President of the United States of America has determined, pursuant to the Act of Congress of March 11, 1941,⁴ that the defense of the Kingdom of Norway against aggression is vital to the defense of the United States of America;

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

And whereas it is expedient that the final determination of the terms and conditions upon which the Royal Norwegian Government 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 Norway and will promote the establishment and maintenance of world peace;

¹ See also lend-lease settlement agreement of Feb. 24, 1948 (TIAS 1716), *post*, p. 566.

² EAS 236, *ante*, vol. 3, p. 697.

³ EAS 236, *ante*, vol. 3, p. 686.

⁴ 55 Stat. 31.

And whereas the Government of the United States of America and the Royal Norwegian Government 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 Norway have been performed, fulfilled or executed as required;

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 Royal Norwegian Government 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.

ARTICLE II

The Royal Norwegian Government 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.

ARTICLE III

The Royal Norwegian Government 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 Royal Norwegian Government.

ARTICLE IV

If, as a result of the transfer to the Royal Norwegian Government 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 Royal Norwegian Government will take such action or make such payment when requested to do so by the President of the United States of America.

ARTICLE V

The Royal Norwegian Government 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.

ARTICLE VI

In the final determination of the benefits to be provided to the United States of America by the Royal Norwegian Government full cognizance shall be taken of all property, services, information, facilities, or other benefits or considerations provided by the Royal Norwegian Government subsequent to March 11, 1941, and accepted or acknowledged by the President on behalf of the United States of America.

ARTICLE VII

In the final determination of the benefits to be provided to the United States of America by the Royal Norwegian Government 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 Norway, 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

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 eleventh 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 Royal Norwegian Government:

W. MUNTHE MORGENSTIERNE [SEAL]

Ambassador of Norway at Washington

EXCHANGE OF NOTES

The Norwegian Ambassador to the Secretary of State

NORWEGIAN EMBASSY
WASHINGTON, D. C.

JULY 11, 1942

EXCELLENCY:

I have the honor to refer to the conversations between representatives of the Royal Norwegian Government and the Government of the United States of America in connection with the negotiation of the Agreement on the Principles Applying to Mutual Aid in the Prosecution of the War Against Aggression signed this day.

During the course of these conversations the Norwegian representatives have referred to the fact that the Royal Norwegian Government has been driven from its country by Hitler, whose forces are in occupation of the country and are despoiling its resources; they have pointed out that the principal national asset remaining at the disposal of their Government is the Norwegian Merchant Fleet, which that Government is operating for the benefit of the United Nations in the common war effort; that for the protection and maintenance of that Fleet, it is necessary to install armaments and other protective devices and equipment upon its vessels, and to repair damage and replace losses thereto occasioned by acts of war and operation under war conditions; that it will also be necessary for the Royal Norwegian Government, when the invader has been driven from its territory, to ensure the maintenance of reestablished peaceful conditions, and that, for this reason, the need of the Royal Norwegian Government for arms and equipment will not necessarily cease with the general cessation of hostilities.

The conversations referred to have disclosed a mutual understanding on the part of the Royal Norwegian Government and the Government of the

United States of America with respect to the application of certain provisions of the Agreement signed this day, as follows:

1. Armaments and other protective devices and equipment installed upon Norwegian ships subsequent to December 7, 1941, shall, under the provisions of the Agreement signed this day, remain the property of the Government of the United States of America. The installation of such armaments, protective devices, and other equipment shall be at the expense and for the account of the Government of the United States of America, which shall bear any risk of loss, or damage, and shall not be regarded as giving rise to any financial obligation on the part of the Royal Norwegian Government. Such armaments may if found mutually desirable be manned by American gun crews.

2. The repair under the Lend-Lease Act, subsequent to December 7, 1941, of damage to Norwegian ships which is caused by acts of war or by operation under war conditions, as well as repair and replacement necessitated by operation under war conditions shall be made at the expense and for the account of the Government of the United States of America, and shall not be regarded as giving rise to any financial obligation on the part of the Royal Norwegian Government. The repair of damage not caused by acts of war or not necessitated by operation under war conditions shall be made at the expense and for the account of the Royal Norwegian Government or the appropriate agency designated by it.

3. The Government of the United States of America recognizes that the Norwegian Merchant Fleet not only constitutes an important contribution to the war effort of the United Nations but is likewise one of the principal national assets of the Royal Norwegian Government and, accordingly, that the latter Government which is operating its Fleet for the benefit of the United Nations in the common war effort, should be assisted in replacing ships lost in the service of the United Nations. Accordingly, the Government of the United States of America will continue to review the situation with the Royal Norwegian Government with a view to assisting that Government in a program of replacement as soon as conditions permit. The two Governments agree that negotiations to this end should be commenced without delay and should be pressed to a conclusion as promptly as possible.

4. In the application of Article V of the Agreement relating to the return at the end of the present emergency of articles transferred under the Agreement, the Government of the United States of America will take into account the circumstance that when the invader has been driven from Norway it will be necessary for the Royal Norwegian Government to ensure the maintenance of reestablished peaceful conditions. Accordingly, the Government of the United States of America and the Royal Norwegian Government will consider, and will consult with each other with respect to the possible

retention by the latter of such military equipment as may be considered necessary for those purposes.

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

W. MUNTHE MORGENSTIERNE
Ambassador of Norway at Washington

His Excellency
CORDELL HULL,
*Secretary of State of the
United States of America.*

The Secretary of State to the Norwegian Ambassador

DEPARTMENT OF STATE
WASHINGTON
July 11, 1942

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date concerning the conversations between representatives of the Government of the United States of America and the Royal Norwegian Government in connection with the negotiation of the Agreement on the Principles Applying to Mutual Aid in the Prosecution of the War Against Aggression signed this day, and to confirm the statement contained therein of the understanding of the two Governments with respect to the application of certain provisions of the Agreement.

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

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

His Excellency
WILHELM MUNTHE DE MORGENSTIERNE,
Ambassador of Norway.