

Supplementary written evidence from Ministry of Defence, 18 March 2024

Question: Can I please follow up on question 1 about precedents for an international organisation of this nature? The oral evidence session held by the International Relations and Defence Committee on 6 March suggests that GIGO was a novel approach. Therefore could we please clarify the legal status of the NETMA and OCCAR?

If they are the same as GIGO in terms of their legal status, I presume there is a treaty for each of those organisations? If so, would you be able to send copies please? If no treaties exist for NETMA and OCCAR, would it be possible to have more detailed information about their legal status?

Response:

The GCAP International Government Organisation (GIGO) will be established as an international organisation with full legal personality by the Convention that has been signed by the participating nations. Article 3(2) of the Convention on the Establishment of the “Global Combat Air Programme – GCAP International Government Organisation” grants full legal identity to the GIGO. It is important for the efficient running of GCAP, as a trilateral programme, that there is an international organisation capable of laying contracts to industry. This prevents the requirement for nation-led contracts and allows the participants to work in a truly collaborative way.

Both NETMA (NATO Eurofighter and Tornado Management Agency) and OCCAR (Organisation for Joint Armament Cooperation) also gained legal personality through the utilisation of conventions, albeit in two distinct ways.

NETMA is a subsidiary body of NATO, established in accordance with Article 9 of the North Atlantic Treaty dated April 1949, which can be found here: https://www.nato.int/nato_static_fl2014/assets/pdf/history_pdf/20161122_E1-founding-treaty-original-tre.pdf. The ‘NAMMO/NEFMO’ Charter sits beneath the North Atlantic Treaty and establishes NETMA. NAMMO is the ‘NATO Multi-Role Combat Aircraft Development, Production and In-Service Support Management Organisation’ for the Tornado Programme and NEFMO is the ‘NATO European Fighter Aircraft Development, Production and Logistics Management Organisation’ for the Eurofighter (Typhoon) programme. Similar to the GCAP Agency, which shall assume the management, coordination and execution of all the phases of the Programme, NETMA conducts the same role for the Tornado and Eurofighter programmes, under the direction of the NAMMO and NEFMO Committees and Boards. NAMMO and NEFMO (and therefore NETMA) have the same legal personality as NATO and are, inter alia, able to enter into contracts due to the powers granted under the NAMMO/NEFMO Charter.

More similarly to the GIGO, **OCCAR** was established as an international organisation with full legal personality through a convention signed by the participating nations. Article 39 of the OCCAR Convention grants full legal and independent identity to OCCAR. The OCCAR Convention and adjoining documentation can be found here: [OCCAR - OCCAR Rules](#).