

91st Congress }  
1st Session }

COMMITTEE PRINT

**COLLECTIVE DEFENSE TREATIES  
WITH MAPS, TEXTS OF TREATIES, A CHRONOLOGY.  
STATUS OF FORCES AGREEMENTS, AND  
COMPARATIVE CHART**



APRIL 21, 1969



91st Congress }  
1st Session }

COMMITTEE PRINT

COLLECTIVE DEFENSE TREATIES  
WITH MAPS, TEXTS OF TREATIES, A CHRONOLOGY,  
STATUS OF FORCES AGREEMENTS, AND  
COMPARATIVE CHART



APRIL 21, 1969

U.S. GOVERNMENT PRINTING OFFICE

27-587 O

WASHINGTON : 1967

## COMMITTEE ON FOREIGN AFFAIRS

THOMAS E. MORGAN, Pa., *Chairman*

CLEMENT J. ZABLOCKI, Wis.	E. ROSS ADAIR, Ind.
WAYNE L. HAYS, Ohio	WILLIAM S. MAILLIARD, Calif.
L. H. FOUNTAIN, N.C.	PETER H. B. FRELINGHUYSEN, N.J.
DANTE B. FASCELL, Fla.	WILLIAM S. BROOMFIELD, Mich.
LEONARD FARBSTEIN, N.Y.	J. IRVING WHALLEY, Pa.
CHARLES C. DIGGS, Jr., Mich.	H. R. GROSS, Iowa
WILLIAM T. MURPHY, Ill.	E. Y. BERRY, S. Dak.
CORNELIUS E. GALLAGHER, N.J.	EDWARD J. DERWINSKI, Ill.
ROBERT N. C. NIX, Pa.	F. BRADFORD MORSE, Mass.
JOHN S. MONAGAN, Conn.	VERNON W. THOMSON, Wis.
DONALD M. FRASER, Minn.	JAMES G. FULTON, Pa.
BENJAMIN S. ROSENTHAL, N.Y.	PAUL FINDLEY, Ill.
EDWARD R. ROYBAL, Calif.	JOHN BUCHANAN, Ala.
JOHN C. CULVER, Iowa	ROBERT TAFT, Jr., Ohio
LEE H. HAMILTON, Ind.	SHERMAN P. LLOYD, Utah
JOHN V. TUNNEY, Calif.	J. HERBERT BURKE, Fla.
ABRAHAM KAZEN, Jr., Tex.	WILLIAM V. ROTH, Jr., Del.
LESTER L. WOLFF, N.Y.	
JONATHAN B. BINGHAM, N.Y.	
GUS YATRON, Pa.	

## FOREWORD

---

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, D.C., April 21, 1969.*

This compilation is a revised, up-to-date print of the compilation dated April 10, 1967, of "Collective Defense Treaties, with maps, texts of treaties, a chronology, status of forces agreements, and comparative chart."

Its purpose is to provide background information on commitments of the United States under collective security treaties for the use of its military forces abroad for mutual defense.

This revision has been prepared by Miss Helen Mattas, Staff Assistant of the Committee on Foreign Affairs, with the assistance of the Department of State.

THOMAS E. MORGAN, *Chairman.*



# CONTENTS

---

	Page
Foreword.....	III
Introduction.....	1
Pertinent excerpts from collective defense treaties.....	2
Inter-American Treaty of Reciprocal Assistance (Rio Treaty).....	2
North Atlantic Treaty (NATO).....	5
Treaty of Mutual Cooperation and Security Between the United States and Japan.....	7
Security Treaty Between Australia, New Zealand, and the United States (ANZUS).....	8
Mutual Defense Treaty Between the United States and the Republic of the Philippines.....	9
Mutual Defense Treaty Between the United States and the Republic of Korea.....	10
Southeast Asia Collective Defense Treaty (SEATO).....	11
Mutual Defense Treaty Between the United States and the Republic of China.....	13
Relationship of regional agreements to the United Nations.....	15
Relationship of parties other than the United States to other regional arrangements.....	19
Texts of treaties to which the United States is a party.....	21
Inter-American Treaty of Reciprocal Assistance Between the United States of America and other American Republics.....	21
Reservation of Honduras (included at the end of the treaty).....	26
Reservation made by Guatemala at the time of ratifying the Inter-American Treaty of Reciprocal Assistance and accepted by the other contracting states.....	26
Other reservations or statements submitted with instruments of ratification.....	27
Statements made as part of the Final Act of the Rio Conference in connection with the Inter-American Treaty of Reciprocal Assistance.....	27
Charter of the Organization of American States.....	29
Reservations made at the time of ratification of the Charter.....	47
Protocol of amendment to the Charter of the Organization of American States (Protocol of Buenos Aires).....	48
Statement of the delegation of Ecuador.....	71
Statement of the delegation of Panama.....	71
Statement of the delegation of Argentina.....	71
Resolution to exclude the present government of Cuba from participation in the Inter-American system.....	72
Resolution to exclude the present government of Cuba from the Inter-American Defense Board.....	73
Statements of signatories.....	74
North Atlantic Treaty between the United States of America and other governments.....	76
Protocol to the North Atlantic Treaty on the accession of Greece and Turkey.....	79
Protocol to the North Atlantic Treaty on the accession of the Federal Republic of Germany.....	80
NATO press release.....	81
Treaty of Mutual Cooperation and Security Between the United States of America and Japan.....	82
Agreed minute to the Treaty of Mutual Cooperation and Security.....	84
Exchanges of notes between the United States and Japan, dated January 19, 1960.....	84
Security Treaty between Australia, New Zealand, and the United States of America.....	89

	Page
Texts of treaties to which the United States is a party—Continued	
Mutual Defense Treaty Between the United States of America and the Republic of the Philippines.....	92
Mutual Defense Treaty Between the United States of America and the Republic of Korea.....	94
Southeast Asia Collective Defense Treaty.....	96
Understanding of the United States of America.....	99
Protocol to the Southeast Asia Collective Defense Treaty.....	99
Pacific Charter.....	100
Mutual Defense Treaty Between the United States of America and the Republic of China.....	101
Statements by and exchange of notes between Secretary of State John Foster Dulles and Foreign Minister George K. C. Yeh....	103
Charter of the United Nations, as amended.....	105
Resolutions to amend articles 23, 27, and 61 of the United Nations Charter.....	128
Resolution to amend article 109 of the Charter of the United Nations.....	130
Members of the United Nations.....	131
Texts of treaties to which the United States is not a party:	
Treaty of economic, social, and cultural collaboration and collective self-defense between Great Britain and Northern Ireland, Belgium, France, Luxembourg, and the Netherlands (Brussels Treaty).....	133
Protocol modifying and completing the Brussels Treaty.....	136
Protocol No. II on Forces of Western European Union.....	138
Protocol No. III on the control of armaments.....	140
Protocol No. IV on the Agency of Western European Union for the control of armaments.....	145
Agreement drawn up in implementation of article V of Protocol No. II of the Brussels Treaty as modified by the Protocols signed at Paris on October 23, 1954.....	149
Treaty of Friendship and Alliance between Her Majesty in respect of the United Kingdom of Great Britain and Northern Ireland and His Majesty the King of the United Kingdom of Libya.....	152
Treaty of Alliance, Political Cooperation and Mutual Assistance between the Government of the Kingdom of Greece, the Government of the Republic of Turkey, and the Government of the Federal People's Republic of Yugoslavia (Balkan Pact).....	154
Pact of Mutual Cooperation Between Iraq and Turkey (Baghdad Pact, subsequently redesignated Central Treaty Organization).....	158
Declaration respecting the Baghdad Pact between the United States of America and Iran, Pakistan, Turkey, and the United Kingdom.....	160
Agreement Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federation of Malaya on External Defence and Mutual Assistance.....	161
Agreements between France and former French territories now independent African States.....	165
A. France and the Federation of Mali.....	165
B. France and the Malagasy Republic.....	165
C. France, the Ivory Coast, Dahomey, and Niger.....	166
D. France and Mauritania.....	166
Treaty of Alliance Between the Kingdom of Greece, the Republic of Turkey, and the Republic of Cyprus.....	167
Treaty of guarantee.....	170
Treaty concerning the establishment of the Republic of Cyprus..	172
Agreement on Mutual Defense and Assistance Between the Government of Malta and the Government of the United Kingdom of Great Britain and Northern Ireland.....	175
Significant excerpts from other agreements and declarations:	
The "Monroe Doctrine".....	179
The Ogdensburg Agreement: Joint statement by President Roosevelt of the United States of America and Prime Minister MacKenzie King of Canada, August 18, 1940.....	181
Joint announcement on defense, United States-Canada, February 12, 1947.....	182
Tripartite Declaration (United States-United Kingdom-France) regarding security in the Near East, May 25, 1950.....	183

CONTENTS

VII

Significant excerpts from other agreements and declarations—Continued	
Final Act, London Nine-Power Conference, Declaration by the Governments of the United States of America, the United Kingdom, and France, October 3, 1954	Page 184
Text of or excerpts from pertinent bilateral defense agreements:	
General treaty between the United States and Panama	185
Agreement between the Government of the United States and the Government of the Kingdom of Denmark, pursuant to the North Atlantic Treaty, concerning the defense of Greenland	186
Defense agreement pursuant to the North Atlantic Treaty between the United States of America and Iceland	191
North American Air Defense Command agreement effected by an exchange of notes between Canada and the United States of America	193
Joint declaration by Spain and the United States of America concerning the renewal of the defense agreement of September 26, 1953	194
Agreement of cooperation between the Government of the United States of America and the Government of Liberia	195
Agreement of cooperation between the Government of the United States of America and the Government of Pakistan. (Identical agreements entered into with the Governments of Iran and Turkey respectively.)	196
Congressional resolutions concerning situations endangering peace and security:	
The Formosa resolution	198
Middle East resolution, as amended	199
Cuban resolution	201
Resolution on Communist subversion in the Western Hemisphere	202
Berlin resolution	203
The Vietnam resolution (Tonkin Gulf resolution)	204
Chronology of major U.S. actions bearing on international peace and security, 1945-68	205
Maps:	
1. Inter-American Treaty of Reciprocal Assistance	} Facing p. 218
2. North Atlantic Treaty	
3. Treaty of Mutual Cooperation and Security Between the United States of America and Japan	
4. Security Treaty Between Australia, New Zealand, and the United States	
5. Mutual Defense Treaty with the Republic of the Philippines	
6. Mutual Defense Treaty with the Republic of Korea	
7. Southeast Asia Collective Defense Treaty	
8. Mutual Defense Treaty with the Republic of China	
9. U.S. collective defense arrangements (worldwide)	
10. Central Treaty Organization	
Comparative chart of certain provisions of regional collective security agreements:	
Date in force	} Facing p. 220
Parties	
Peaceful settlement of disputes	
Mutual aid	
Consultation	
Action in the event of armed attack	
Disposition of forces	
Treaty area	
Relationship to United Nations and other treaties	
Duration	
Additional members	
Pertinent status of forces agreements:	
Agreement between the parties to the North Atlantic Treaty regarding the status of their forces, with appendix	221
Agreement between the United States of America and Denmark, excerpts concerning status of U.S. forces in Greenland	237
Annex to agreement between the United States of America and Iceland on the status of U.S. personnel and property	239
Agreement between the United States of America and Canada regarding application of NATO status of forces agreement to U.S. forces at leased bases	248

Pertinent status of forces agreements—Continued	
Agreement, with annex, between the United States of America and the Netherlands regarding stationing of U.S. Armed Forces in the Netherlands.....	Page 250
Agreement, with minute of understanding, between the United States of America and Turkey, implementing Status of Forces Agreement of June 19, 1951, between the parties to the North Atlantic Treaty.....	256
Agreement between the United States of America and Turkey, amending minute of understanding of June 23, 1954, concerning status of U.S. forces in Turkey.....	259
Agreement between the United States of America and the Kingdom of Greece concerning the status of U.S. forces in Greece.....	261
Supplementary agreement to the NATO Status of Forces Agreement with respect to forces stationed in the Federal Republic of Germany (with table of contents).....	263
Agreements and exchanges of notes on status of forces between the United States of America and the Federal Republic of Germany:	
Agreement between the Federal Republic of Germany and the United States of America on the settlement of disputes arising out of direct procurement.....	357
Agreement between the Federal Republic of Germany and the United States of America on the status of persons on leave.....	359
Notes exchanged between the United States of America and the Federal Republic of Germany on August 3, 1959.....	360
1. Taxes and customs (Verbalnote No. 40).....	360
Annex 1—Agreement on the implementation of the customs and taxation provisions of the supplementary agreement to the NATO status of forces agreement in favor of a force and a civilian component.....	361
Annex 2—Agreement on the implementation of the customs and consumer tax provisions of the supplementary agreement to the NATO status of forces agreement in favor of members of a force, of a civilian component and dependents.....	368
2. Aerial photography (Verbalnote No. 41).....	373
Annex—United States/German administrative agreement on aerial photography.....	374
3. Prevention of abuses (Verbalnote No. 42).....	377
Annex—United States/German administrative agreement pursuant to paragraph 3 of article 74 of the supplementary agreement.....	378
4. Accommodation serving public transport and communications (Verbalnote No. 43).....	380
Annex A concerning German Federal Post accommodation.....	381
Annex B concerning German Federal Railways accommodation.....	382
Annex C concerning airfields.....	383
Annex D concerning accommodation of the road construction authorities.....	385
5. Government corporations (Verbalnote No. 44).....	385
Annex concerning listing of accommodations.....	386
6. Maintenance claims (Verbalnote No. 45).....	387
Annex 1—Memorandum of the German delegation dated April 18, 1956.....	387
Annex 2—Memorandum of the U.S. delegation dated February 4, 1957.....	390
Annex 3—Memorandum of the U.S. delegation dated June 5, 1958.....	392
Annex 4—Summary of discussions between the United States and German delegations on maintenance claims for illegitimate children dated December 6, 1958.....	392

CONTENTS

IX

Pertinent status of forces agreements—Continued	
Agreements and exchanges—Continued	
Notes exchanged—Continued	
7. Construction (administrative agreements) (Verbalnote No. 46) .....	Page 394
8. Settlement of disputes arising out of direct procurement (Verbalnote No. 47) .....	394
Agreement under article VI of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, regarding facilities and areas and the status of U.S. Armed Forces in Japan .....	397
Agreed minutes to agreement under article VI of the treaty .....	416
Exchange of notes between the Governments of Japan and the United States of America .....	422
Agreement concerning the status of U.S. forces in Australia .....	424
Protocol to the agreement concerning the status of U.S. forces in Australia .....	437
Criminal jurisdiction arrangements under the Philippines-United States Military Bases Agreement of 1947 .....	438
Agreed official minutes regarding article XIII of the military bases agreement as revised .....	441
Agreed implementing arrangements regarding article XIII of the military bases agreement as revised .....	443
Agreement between the United States of America and the Republic of China on the status of U.S. Armed Forces in the Republic of China .....	446
Exchange of notes between the Governments of the Republic of China and the United States of America .....	471
Agreement under article IV of the Mutual Defense Treaty Between the United States of America and the Republic of Korea, regarding facilities and areas and the status of U.S. Armed Forces in the Republic of Korea .....	474
Agreed minutes to the agreement .....	498
Agreed understandings to the agreement .....	510
Exchange of notes between the Governments of the Republic of Korea and the United States of America .....	513



## INTRODUCTION

---

The United States, subsequent to World War II, entered into bilateral and multilateral agreements for collective defense with 43<sup>1</sup> countries, as follows:

1947: Inter-American treaty of reciprocal assistance with 21 other American Republics:

1949: North Atlantic Treaty with 14 other governments (11 original signatories and 3 who subsequently acceded).

1951: Security treaty with Japan.

1951: Security treaty with Australia and New Zealand.

1951: Mutual defense treaty with the Republic of the Philippines.

1953: Mutual defense treaty with the Republic of Korea.

1954: Southeast Asia collective defense treaty with seven governments.

1954: Mutual defense treaty with the Republic of China.

These agreements were all considered by the U.S. Senate, which gave its advice and consent to ratification by the United States.

In 1960, the security treaty between the United States and Japan was superseded by a new treaty of mutual cooperation and security, which is now in effect.

In addition to these collective defense treaties, the United States, although itself not a member of the organization, joined in a Declaration with members of the Baghdad Pact (commonly called the Central Treaty Organization), agreeing to cooperate with the members for their security and defense and to enter into agreements with the members "designed to give effect to this cooperation."

The complete texts of the collective defense treaties which are currently in effect, as well as the Declaration of the Baghdad Pact members referred to above, are printed below on pages 21-104 inclusive and 160.

All the parties to these defense treaties, except the Republic of Korea and the Federal Republic of Germany, are also members of the United Nations. The relationship of the collective defense agreements to the United Nations is defined below (p. 15). Also discussed below (p. 19) is the relationship of parties, other than the United States, to other regional arrangements.

Of primary importance is the language in each treaty defining the area involved and the provisions specifying what constitutes an attack and the collective action which the parties to the treaty commit themselves to take. This is separately set forth immediately following.

<sup>1</sup> Australia, France, New Zealand, Philippines, and the United Kingdom are parties to more than one collective defense treaty but have been counted only once.

## PERTINENT EXCERPTS FROM COLLECTIVE DEFENSE TREATIES

---

### INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (RIO TREATY) <sup>1</sup>

#### **Parties**

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba,<sup>2</sup> the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, the United States of America, Uruguay, and Venezuela.

#### **Collective defense**

"1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

"2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

"3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

"4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security."  
(ARTICLE 3)

\* \* \* \* \*

"If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or

<sup>1</sup> Text on p. 21.

<sup>2</sup> The Organization of American States Foreign Ministers voted at Punta del Este (Jan. 22-31, 1962) to exclude "the present Government of Cuba" from participation in the inter-American system. (See p. 72.)

situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent." (ARTICLE 6)

\* \* \* \* \*

"For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; *and use of armed force.*" (ARTICLE 8)

\* \* \* \* \*

"In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

"a. Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;

"b. Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State." (ARTICLE 9)

\* \* \* \* \*

"Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent." (ARTICLE 20)

Treaty area (see map facing p. 218.)

"The region to which this Treaty refers is bounded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole." (ARTICLE 4)

This description includes more than the land area of the parties to the treaty; it embraces both North and South America, including Canada, Greenland, the Arctic and Antarctic regions of the continents, as well as all the area lying between. (S. Ex. Rept. 11, 80th Cong., 1st sess., p. 5.) In addition, the newly independent States of Jamaica,

Trinidad and Tobago, Guyana, and Barbados fall within the defined region.

In addition to the region as defined, the treaty states that measures to be taken in the event of an armed attack thereon shall be applied if the armed attack is "within the territory of an American State" (par. 3, Art. 3). This includes more than the continental territory of the United States and of the other American states. It includes the State of Hawaii as well as the island of Guam and any other possessions abroad, since they all constitute a part of the "territory of an American State." Canada, while not a signatory state, is included in the term "American State." Furthermore, if the armed attack is directed against an American State and takes place within the region described, it need not be against the territory of an American State but could take place anywhere within the region and might be against the land, sea, or air forces of such American State. (S. Ex. Rept. 11, 80th Cong., 1st sess., p. 5.)

Honduras, at the time of the signing of the treaty, made a formal reservation concerning the boundary between itself and Nicaragua, which was included in the treaty. (Text on p. 26.) Guatemala, when it deposited its ratification, also made a formal reservation concerning the sovereignty of Belize (British Honduras); and upon Guatemala's declaration that the reservation did not intend to constitute any alteration of the treaty and that it was disposed to act within the limits of international agreements which it had accepted, the contracting states accepted the reservation. (Text on p. 26.)

In addition, Ecuador and Nicaragua included a statement and reservation respectively in their instruments of ratification; and, as part of the Final Act of the Rio Conference where this treaty was drawn, Argentina, Guatemala, Mexico, and Chile made formal statements on historic rights and claims to areas within the treaty area. (Texts on pp. 27-28.) The United States also made the following formal statement there:

"With reference to the reservations made by other Delegations concerning territories located within the region defined in the Treaty, their boundaries, and questions of sovereignty over them, the Delegation of the United States of America wishes to record its position that the Treaty of Rio de Janeiro has no effect upon the sovereignty, national or international status of any of the territories included in the region defined in Article 4 of the Treaty."

## NORTH ATLANTIC TREATY (NATO) <sup>1</sup>

### Parties

Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom, and the United States.

The French Government withdrew its forces committed to NATO commands and its personnel assigned to the staffs of those commands effective July 1, 1966, and has denounced the Paris Protocol on the Status of International Military Headquarters of August 28, 1952, effective March 31, 1967. In a preliminary aide-mémoire, delivered to its NATO allies on March 11, 1966, the French Government made the following statement (in translation):

“This \* \* \* does not by any means lead the French Government to call into question the treaty signed at Washington on April 4, 1949. In other words, barring events in the coming years that might come to alter fundamentally the relations between the East and the West, it does not intend to avail itself, in 1969, of the provisions of Article 13 of the treaty and considers that the Alliance must continue as long as it appears necessary.”

### Collective defense

“The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

“Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.” (ARTICLE 5)

**Treaty area** (see map facing p. 218.)

“\* \* \* an armed attack on one or more of the Parties is deemed to include an armed attack—

“(i) on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

“(ii) on the forces, vessels or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.” (ARTICLE 6, as modified by Article 2 of the protocol on the accession of Greece and Turkey.)

<sup>1</sup> Text on p. 76.

The **only outlying areas covered** are the islands in the North Atlantic area, the Aleutian Islands, and the islands of the Canadian Arctic. (S. Ex. Rept. No. 8, 81st Cong., 1st sess., p. 15.) Alaska, as a part of the territory of the United States in North America, is covered. Greenland, as part of the Kingdom of Denmark, and the Bahamas and Bermuda as "islands under the jurisdiction of any of the parties in the North Atlantic area north of the Tropic of Cancer" are likewise covered by that Treaty.

The three Algerian departments of France were an integral part of metropolitan France under its constitution at the time the North Atlantic Treaty was signed. However, Algeria became independent on July 3, 1962, and on January 16, 1963, the Council of NATO noted that insofar as the former Algerian departments of France are concerned, the relevant clauses of the North Atlantic Treaty had become inapplicable as from July 3, 1962. (NATO Press Release No. 63, January 24, 1963, see p. 81.)

The area, originally including the western part of the Mediterranean as well as the North Sea and most of the Gulf of Mexico (S. Ex. Rept. No. 8, 81st Cong., 1st sess., p. 15), was broadened by the protocol on the accession of Greece and Turkey to include the forces, vessels and aircraft of the parties in the Eastern Mediterranean. (S. Ex. Rept. No. 1, 82d Cong., 2d sess., p. 5.)

Also, the area was redefined by this protocol so that if in the future occupation forces in Europe of any of the parties ceased to be occupation forces, e.g., in Germany, but were still on European soil, they would still be covered by the Treaty in the event of an attack. (S. Ex. Rept. No. 1, 82d Cong., 2d sess., p. 4.)

# TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES AND JAPAN <sup>1</sup>

## Parties

Japan and the United States.

## Collective defense

"Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

"Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." (ARTICLE V)

The Agreed Minute to the Treaty concerning the islands administered by the United States under Article 3 of the Treaty of Peace with Japan <sup>2</sup> provides that in the event of an armed attack against these islands, the two countries will consult. (See p. 84.)

**Treaty area** (see map facing p. 218.)

The Treaty contains no specific language defining the area covered. Article V, however, refers to "an armed attack against either Party *in the territories under the administration of Japan*" as "dangerous to its own peace and safety." [Italics supplied.]

Article X states that the treaty "shall remain in force until in the opinion of the Governments of the United States of America and Japan there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security *in the Japan area*." [Italics supplied.]

Article VI provides—

"For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan."

An agreement under Article VI of the Treaty of Mutual Cooperation and Security, regarding facilities and areas and the status of United States Armed Forces, was signed at Washington on January 19, 1960, and entered into force on June 23, 1960. (See p. 397.)

<sup>1</sup> Text on p. 82.

<sup>2</sup> Article 3 of the Treaty of Peace with Japan named "Nansei Shoto south of 29 degrees north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island." On December 25, 1953, the United States returned to Japanese control the islands of the Amami Group, leaving under United States administration within the Ryukyu Islands only the prewar Okinawa Prefecture. On June 26, 1968, the United States returned to Japanese control Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island.

**SECURITY TREATY BETWEEN AUSTRALIA, NEW ZEALAND,  
AND THE UNITED STATES (ANZUS)<sup>1</sup>**

**Parties**

Australia, New Zealand, and the United States.

**Collective defense**

“Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

“Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.” (ARTICLE IV)

**Treaty area** (see map facing p. 218.)

“ \* \* \* an armed attack on any of the Parties is deemed to include an armed attack on the metropolitan territory of any of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.” (ARTICLE V)

---

<sup>1</sup> Text on p. 89.

## **MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF THE PHILIPPINES<sup>1</sup>**

### **Parties**

Republic of the Philippines and the United States.

### **Collective defense**

“Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.

“Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.” (ARTICLE IV)

**Treaty area** (see map facing p. 218.)

“\* \* \* an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.” (ARTICLE V)

<sup>1</sup> Text on p. 92.

# MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA <sup>1</sup>

## Parties

Republic of Korea and the United States.

## Collective defense

"Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes." (ARTICLE III)

The Senate attached to its resolution of ratification the following understanding in connection with Article III:

"It is the understanding of the United States that neither party is obligated, under ARTICLE III of the above treaty, to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."

\* \* \* \* \*

"The Republic of Korea grants, and the United States of America accepts, the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement." (ARTICLE IV)

The Senate Committee on Foreign Relations noted in its report that "the testimony of administration witnesses made it clear that the United States would be under no obligation to station forces in South Korea under the treaty. The United States has the right to do so, if it determines that such action would be in its national security interests. The present political and military situation in Korea, however, makes it apparent that the stationing of United States Armed Forces in the Republic of Korea will be in our national interests for the time being." (S. Ex. Rept. No. 1, 83d Cong., 2d sess., pp. 5-6.)

An agreement under Article IV of the Mutual Defense Treaty, regarding facilities and areas and the status of United States Armed Forces in the Republic of Korea was signed at Seoul on July 9, 1966, and entered into force on February 9, 1967. (See p. 474.)

**Treaty area** (see map facing p. 218.)

No separate provision. Included in Article III—"territories now under their respective administrative control, or hereafter recognized by one of the parties as lawfully brought under the administrative control of the other".

The Senate Committee on Foreign Relations in its report on the treaty said in connection with this language: "It does not apply to territories not now under the administrative control of either party; it does not apply to territory which is not at some future time recognized by the United States as having been lawfully brought under the administrative control of the other party; nor does it apply to an armed attack initiated by either party." (S. Ex. Rept. No. 1, 83d Cong., 2d sess., pp. 3-4.)

<sup>1</sup> Text on p. 94.

## **SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY (SEATO)<sup>1</sup>**

### **Parties**

Australia, France, New Zealand, Pakistan, Republic of the Philippines, Thailand, the United Kingdom, and the United States.

NOTE.—By a protocol signed on the same date as the treaty (see p. 99), the states of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam were designated for the purposes of Article IV, quoted below. Subsequently, Cambodia has indicated disinterest in the protection of the Southeast Asia Treaty. The Royal Government of Laos, in the Geneva Declaration on the Neutrality of Laos, signed July 23, 1962, declared that it will not “recognize the protection of any alliance or military coalition including SEATO” and the United States and other nations agreed to “respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO.”

### **Collective defense**

“1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

“2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

“3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.”  
(ARTICLE IV).

### **Understanding of the United States of America (included in the treaty)**

“The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.”

<sup>1</sup> Text on p. 96.

**Treaty area** (see map facing p. 218.)

“As used in this Treaty, the ‘treaty area’ is the general area of Southeast Asia, including also the entire territories of the Asian Parties, and the general area of the Southwest Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the treaty area the territory of any State acceding to this Treaty \* \* \* or otherwise to change the treaty area.” (ARTICLE VIII)

The basic area involved comprises Pakistan; Thailand; Laos, the free territory of Vietnam and Cambodia (by protocol); Malaysia; Australia and New Zealand; and the Philippines. (See NOTE above, under “Parties,” concerning present status of Cambodia and Laos.) Although the United Kingdom is a party, Hong Kong is excluded because of the limiting clause—“not including the Pacific area north of 21 degrees 30 minutes north latitude”—a line running north of the Philippines. (S. Ex. Rept. No. 1, 84th Cong., 1st sess., p. 11.)

# MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF CHINA<sup>1</sup>

## Parties

Republic of China and the United States.

## Collective defense

"Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

"Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." (ARTICLE V)

The Committee on Foreign Relations of the United States Senate, in its report on this treaty included the following statement to clarify the nature of the commitment in Article V:

"It is the understanding of the Senate that the obligations of the parties under article V apply only in the event of external armed attack; and that military operations by either party from the territories held by the Republic of China, shall not be undertaken except by joint agreement."

Such understanding reflects an agreement manifested in an exchange of notes dated December 10, 1954 (see p. 103), under which the use of force from the areas specified must be pursuant to joint agreement, except for emergency actions by way of self-defense. (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 4.)

\* \* \* \* \*

"The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement." (ARTICLE VII)

The Senate Report explained that "the administration made it clear that this provision did not impose on the United States an automatic or mandatory obligation" to dispose its forces in the area but that the United States is "free to station forces or not, as circumstances may indicate." (S. Ex. Rept. No. 2, p. 5.)

An agreement on the status of United States Armed Forces in the Republic of China was signed at Taipei on August 31, 1965, and entered into force on April 12, 1966. (See p. 446.)

**Treaty area** (see map facing p. 218.)

"\* \* \* the terms 'territorial' and 'territories' shall mean in respect of the Republic of China, Taiwan and the Pescadores; and in respect of the United States of America, the island territories in the West

<sup>1</sup>Text on p. 101. See also p. 198 for text of resolution authorizing the President to employ U.S. Armed Forces to protect the security of Formosa, the Pescadores, and related positions.

Pacific under its jurisdiction. The provisions of Articles II and V will be applicable to such other territories as may be determined by mutual agreement." (ARTICLE VI)

Included in the "island territories in the West Pacific" are such groups as the Ryukyus (including Okinawa), the trust territories (former Japanese mandated islands), and Guam. (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 5.)

To avoid any possible misunderstanding concerning the legal status of Taiwan (Formosa) and the Pescadores, the Senate Committee on Foreign Relations included the following statement in its report:

"It is the understanding of the Senate that nothing in the treaty shall be construed as affecting or modifying the legal status or sovereignty of the territories to which it applies." (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 6.)

To avoid any doubts as to the nature of the "mutual agreement" required, the Senate Committee on Foreign Relations included the following in its report:

"It is the understanding of the Senate that the 'mutual agreement' referred to in article VI, under which the provisions of articles II and V may be made applicable to other territories, shall be construed as requiring the advice and consent of the Senate of the United States." (S. Ex. Rept. No. 2, 84th Cong., 1st sess., p. 5.)

## RELATIONSHIP OF REGIONAL AGREEMENTS TO THE UNITED NATIONS<sup>1</sup>

The collective security agreements described herein are regional in scope. The Charter recognizes such arrangements in chapter VIII, entitled "Regional Arrangements", which includes the following paragraph:

"Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations." (Par. 1, ARTICLE 52.)

Secretary of State John Foster Dulles, in testifying before the Senate Committee on Foreign Relations on the Mutual Defense Treaty with Korea (hearings, 83d, Cong. 2d sess., January 13, 1954, p. 21), explained: "\* \* \* all of the security treaties which we have made have been conceived of as falling under Article 51" which says:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Secretary Dulles said further that although there were two relevant articles (51 and 53) in the Charter—

"\* \* \* in the main, the arrangement that we have made has been under article 51, which is one of broad and not necessarily regional scope, because the article which deals with regional associations, as such, has a provision that no forcible action shall be taken under those regional agreements except with the consent of the Security Council, and in view of the Soviet veto power in the Security Council, it would result, if you operated directly under that regional-pact clause, you would not have the right to resort to force or use force except with the consent of the Soviet Union."

Each of the treaties quoted in this memorandum refers to and expresses recognition of the principles, purposes and/or jurisdiction of the United Nations. And, the Charter states:

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail." (ARTICLE 103.)

<sup>1</sup> Text of the United Nations Charter appears on p. 105.

Action by the United Nations with respect to threats to peace, breaches of the peace, and acts of aggression is provided for in chapter VII of the Charter and includes the following:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security." (ARTICLE 39.)

"Should the Security Council consider that measures provided for in article 41 [measures not involving the use of armed force] would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." (ARTICLE 42.)

"1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purposes of maintaining international peace and security.

"2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided." (ARTICLE 43.)

"In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in article 43, by the Security Council with the assistance of the Military Staff Committee." (ARTICLE 45.)

"Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee." (ARTICLE 46.)

"1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

"2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members." (ARTICLE 48.)

"The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council." (ARTICLE 49.)

The United Nations members have not yet been able to conclude agreements in accordance with Article 43 and related provisions. Instead, to date the United Nations has relied on the voluntary contributions of forces by its members as the need arises; for example, in Indonesia, Greece, Palestine, Kashmir, Korea, Trieste, the Suez, Lebanon, the Congo, West New Guinea, the Yemen, and Cyprus.

Secretary of State Rusk stated before the Senate Preparedness Subcommittee on August 25, 1966, "The United Nations has not been able to deal effectively with all threats to the peace, nor will it be

able to do so as long as certain of its members believe they must continue to compromise between their professed desire for peace and their short range interest in achieving greater power or place in the world. \* \* \* It was recognized from the outset, however, that the United Nations might not prove able by itself to carry the full burden of collective security. The Charter explicitly provides for the existence of regional organizations, such as the Organization of American States, which would deal with problems of international peace and security in their respective areas. It also explicitly recognizes the inherent right of both individual and collective self-defense.

“Consistently with the United Nations Charter, we [United States] have entered into multilateral and bilateral treaty arrangements with more than 40 countries on 5 continents.”



## **RELATIONSHIP OF PARTIES OTHER THAN THE UNITED STATES TO OTHER REGIONAL ARRANGEMENTS**

Some of the parties to the collective defense agreements referred to in this document are parties to other regional agreements to which the United States is not a party. This involves especially the NATO countries, which, in article 8 of the North Atlantic Treaty, declare “\* \* \* that none of the international engagements now in force between it and any other of the Parties or any third state is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.”

In the interval between World War II and the establishment of NATO, the United Kingdom, France, Belgium, the Netherlands, and Luxembourg joined in the Brussels Treaty (text on p. 133) wherein they agree to assist each other in the event of an armed attack. The Brussels Pact nations were the nucleus of European nations who formed the North Atlantic Treaty Organization. The pact is still in effect and was acceded to by the Federal Republic of Germany and Italy on May 6, 1956 (text of Protocol Modifying and Completing the Brussels Treaty on p. 136).

Some NATO countries also have entered into security agreements with non-NATO countries, as follows:

Treaty of Friendship and Alliance between the United Kingdom and Libya (text on p. 152), July 29, 1953.

Balkan Pact (text on p. 154), August 9, 1954: Treaty of Alliance, Political Cooperation, and Mutual Assistance between Greece, Turkey, and Yugoslavia.

Baghdad Pact (text on p. 158), February 24, 1955: Pact of Mutual Cooperation between Turkey, United Kingdom, Pakistan, Iran and Iraq. Iraq gave formal notification on March 24, 1959, of its decision to withdraw. The treaty organization was redesignated the Central Treaty Organization (CENTO) by a resolution of the Council of the Organization adopted August 21, 1959. The United States on July 29, 1958, joined in a Declaration agreeing to cooperate with Iran, Pakistan, Turkey, and the United Kingdom for their security and defense. (See p. 160.) The United States is a member of the Military, Economic and Anti-Subversion Committees of CENTO and an observer at the Council meetings.

Agreement between the United Kingdom and Malaysia on External Defense and Mutual Assistance, October 12, 1957. (Text on p. 161.)

Agreements between France and former French territories now independent African States. (Text on p. 165.)

Treaty of Alliance between Greece, Turkey, and Cyprus, with additional protocols, Treaty of Guarantee, and Treaty concerning the establishment of the Republic of Cyprus, dated August 16, 1960. (Texts on pp. 167-174.)

Agreement on Mutual Defence and Assistance between Malta and the United Kingdom dated September 21, 1964. (Text on p. 175.)

Article 6 of the Southeast Asia Collective Defense Treaty (SEATO) contains the following declaration which is similar to that quoted above from the North Atlantic Treaty:

“\* \* \* none of the international engagements now in force between it and any other of the Parties or any third party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.”

Pakistan, which is a member of the Central Treaty Organization, is a party to SEATO. France and the United Kingdom, which are parties to the Brussels Treaty and NATO, also are parties to SEATO. Australia and New Zealand, parties with the United States to a security treaty, and the Philippines, with which the United States has a mutual defense treaty, are all also parties to SEATO.

## TEXTS OF TREATIES TO WHICH THE UNITED STATES IS A PARTY

---

### INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND OTHER AMERICAN REPUBLICS

Opened for Signature at Rio de Janeiro September 2, 1947; Ratification advised by the Senate of the United States of America December 8, 1947; Ratified by the President of the United States of America December 12, 1947; Ratification of the United States of America deposited with the Pan American Union December 30, 1947; Proclaimed by the President of the United States of America December 9, 1948; Entered into force December 3, 1948

Ratified by Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, [1] Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, United States of America, Uruguay, and Venezuela. (See reservations below, pp. 26-28.)

In the name of their Peoples, the Governments represented at the Inter-American Conference for the Maintenance of Continental Peace and Security, desirous of consolidating and strengthening their relations of friendship and good neighborliness, and

Considering:

That Resolution VIII of the Inter-American Conference on Problems of War and Peace, [2] which met in Mexico City, recommended the conclusion of a treaty to prevent and repel threats and acts of aggression against any of the countries of America;

That the High Contracting Parties reiterate their will to remain united in an inter-American system consistent with the purposes and principles of the United Nations, and reaffirm the existence of the agreement which they have concluded concerning those matters relating to the maintenance of international peace and security which are appropriate for regional action;

That the High Contracting Parties reaffirm their adherence to the principles of inter-American solidarity and cooperation, and especially to those set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System;

<sup>1</sup> The Organization of American States Foreign Ministers voted at Punta del Este (Jan. 22-31, 1962) to exclude "the present Government of Cuba" from participation in the inter-American system. (See p. 72.)

<sup>2</sup> Treaties and Other International Acts Series 1543; 60 Stat. 1831.

That the American States propose, in order to improve the procedures for the pacific settlement of their controversies, to conclude the treaty concerning the "Inter-American Peace System" envisaged in Resolutions IX and XXXIX of the Inter-American Conference on Problems of War and Peace, [4]

That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace;

That the American regional community affirms as a manifest truth that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security;

Have resolved, in conformity with the objectives stated above, to conclude the following Treaty, in order to assure peace, through adequate means, to provide for effective reciprocal assistance to meet armed attacks against any American State, and in order to deal with threats of aggression against any of them:

#### ARTICLE 1

The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty.

#### ARTICLE 2

As a consequence of the principle set forth in the preceding Article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations.

#### ARTICLE 3

1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those

<sup>4</sup> Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February 21-March 8, 1945, Department of State publication 2497, p. 107.

measures and agreeing upon the measures of a collective character that should be taken.

3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.

#### ARTICLE 4

The region to which this Treaty refers is bounded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole.

#### ARTICLE 5

The High Contracting Parties shall immediately send to the Security Council of the United Nations, in conformity with Articles 51 and 54 of the Charter of the United Nations, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

#### ARTICLE 6

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

#### ARTICLE 7

In the case of a conflict between two or more American States, without prejudice to the right of self-defense in conformity with

Article 51 of the Charter of the United Nations, the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the *statu quo ante bellum*, and shall take in addition all other necessary measures to reestablish or maintain inter-American peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.

## ARTICLE 8

For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force.

## ARTICLE 9

In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

- a. Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;
- b. Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State.

## ARTICLE 10

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations.

## ARTICLE 11

The consultations to which this Treaty refers shall be carried out by means of the Meetings of Ministers of Foreign Affairs of the American Republics which have ratified the Treaty, or in the manner or by the organ which in the future may be agreed upon.

## ARTICLE 12

The Governing Board of the Pan American Union may act provisionally as an Organ of Consultation until the meeting of the Organ of Consultation referred to in the preceding Article takes place.

## ARTICLE 13

The consultations shall be initiated at the request addressed to the Governing Board of the Pan American Union by any of the Signatory States which has ratified the Treaty.

## ARTICLE 14

In the voting referred to in this Treaty only the representatives of the Signatory States which have ratified the Treaty may take part.

## ARTICLE 15

The Governing Board of the Pan American Union shall act in all matters concerning this Treaty as an organ of liaison among the Signatory States which have ratified this Treaty and between these States and the United Nations.

## ARTICLE 16

The decisions of the Governing Board of the Pan American Union referred to in Articles 13 and 15 above shall be taken by an absolute majority of the Members entitled to vote.

## ARTICLE 17

The Organ of Consultation shall take its decisions by a vote of two-thirds of the Signatory States which have ratified the Treaty.

## ARTICLE 18

In the case of a situation or dispute between American States, the parties directly interested shall be excluded from the voting referred to in two preceding Articles.

## ARTICLE 19

To constitute a quorum in all the meetings referred to in the previous Articles, it shall be necessary that the number of States represented shall be at least equal to the number of votes necessary for the taking of the decision.

## ARTICLE 20

Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

## ARTICLE 21

The measures agreed upon by the Organ of Consultation shall be executed through the procedures and agencies now existing or those which may in the future be established.

## ARTICLE 22

This Treaty shall come into effect between the States which ratify it as soon as the ratifications of two-thirds of the Signatory States have been deposited.

## ARTICLE 23

This Treaty is open for signature by the American States at the city of Rio de Janeiro, and shall be ratified by the Signatory States as soon as possible in accordance with their respective constitutional processes. The ratifications shall be deposited with the Pan American Union, which shall notify the Signatory States of each deposit. Such notification shall be considered as an exchange of ratifications.

## ARTICLE 24

The present Treaty shall be registered with the Secretariat of the United Nations through the Pan American Union, when two-thirds of the Signatory States have deposited their ratifications.

## ARTICLE 25

This Treaty shall remain in force indefinitely, but may be denounced by any High Contracting Party by a notification in writing to the Pan American Union, which shall inform all the other High Contracting Parties of each notification of denunciation received. After the expiration of two years from the date of the receipt by the Pan American Union of a notification of denunciation by any High Contracting Party, the present Treaty shall cease to be in force and with respect to such State, but shall remain in full force and effect with respect to all the other High Contracting Parties.

## ARTICLE 26

The principles and fundamental provisions of this Treaty shall be incorporated in the Organic Pact of the Inter-American System.

## RESERVATION OF HONDURAS (INCLUDED AT THE END OF THE TREATY)

"The Delegation of Honduras, in signing the present Treaty and in connection with Article 9, section (b), does so with the reservation that the boundary between Honduras and Nicaragua is definitively demarcated by the Joint Boundary Commission of nineteen hundred and nineteen hundred and one, starting from a point in the Gulf of Fonseca, in the Pacific Ocean, to Portillo de Teotecacinte and, from this point to the Atlantic, by the line that His Majesty the King of Spain's arbitral award established on the 23d of December of 1906."

---

**RESERVATION MADE BY GUATEMALA AT THE TIME OF RATIFYING THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE AND ACCEPTED BY THE OTHER CONTRACTING STATES**

"The present Treaty constitutes no impediment preventing Guatemala from asserting its rights with respect to the Guatemalan territory of Belize by any means which it may deem most advisable; and this Treaty may be invoked at any time by the Republic with respect to the aforementioned territory."

(The Government of Guatemala under date of September 1, 1954, made a formal declaration to the effect that such reservation is not

intended to constitute any alteration of the Inter-American Treaty of Reciprocal Assistance and that Guatemala is disposed to act always within the limits of the international agreements which it has accepted.)

OTHER RESERVATIONS OR STATEMENTS SUBMITTED WITH INSTRUMENTS OF RATIFICATION

*Statement of Ecuador:*

The Republic of Ecuador signs this Inter-American Treaty of Reciprocal Assistance without reservation, because it understands that other instruments and the principles of international law do not obstruct the revision of treaties, whether by agreement between the Parties or by the other peaceful means sanctioned by international law itself.

*Reservation of Nicaragua:*

The Delegate of Nicaragua, on signing the present Treaty, and in connection with the reservation made by the Delegation of Honduras when signing it, and with the provisions of article 9, paragraph b, does so with the reservation that the frontier between Nicaragua and Honduras is not definitively demarcated, from the point known as Portillo de Teotecacinte to the Atlantic Ocean, by reason of the Royal Award enunciated by His Majesty the King of Spain on the twenty-third day of December of the year One Thousand Nine Hundred and Six having been impugned and protested by Nicaragua as nonexistent, null and void. Consequently, the signing of this Treaty by Nicaragua shall not be alleged as an acceptance of any arbitral decisions which Nicaragua has impugned and the validity of which has not been determined.

STATEMENTS MADE AS PART OF THE FINAL ACT OF THE RIO CONFERENCE IN CONNECTION WITH THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

*Statement of Argentina:*

The Argentine Delegation declares that within the waters adjacent to the South American Continent, along the coasts belonging to the Argentine Republic in the Security Zone, it does not recognize the existence of colonies or possessions of European countries and it adds that it especially reserves and maintains intact the legitimate titles and rights of the Argentine Republic to the Falkland (Malvinas) Islands, the South Georgia Islands, the South Sandwich Islands, and the lands included in the Argentine Antarctic sector, over which the Republic exercises the corresponding sovereignty.

*Statement of Guatemala:*

Guatemala wishes to place on record that it does not recognize any right of legal sovereignty of Great Britain over the territory of Belize, called British Honduras, included in the Security Zone, and that once again, it expressly reserves its rights, which are derived from the Constitution of the Republic, historical documents, juridical arguments and principles of equity which have on appropriate occasions been laid before the universal conscience.

*Statement of Mexico:*

Only because the Delegation of Guatemala has seen fit to make the preceding declaration, the Delegation of Mexico finds it necessary to reiterate that, in case there should occur a change in the status of Belize, there cannot fail to be taken into account the rights of Mexico to a part of the said territory, in accordance with historical and juridical precedents.

*Statement of Chile:*

The Delegation of Chile declares that, within the waters adjacent to the South American Continent, in the extension of coast belonging to the Republic of Chile, comprised within the Security Zone, it does not recognize the existence of colonies or possessions of European countries and it adds that it specially reserves and maintains intact the legitimate title and rights of the Republic of Chile to the lands included in the Chilean Antarctic zone, over which the Republic exercises the corresponding sovereignty.

*Statement of the United States of America:*

With reference to the reservations made by other Delegations concerning territories located within the region defined in the Treaty, their boundaries, and questions of sovereignty over them, the Delegation of the United States of America wishes to record its position that the Treaty of Rio de Janeiro has no effect upon the sovereignty, national or international status of any of the territories included in the region defined in Article 4 of the Treaty.

## CHARTER OF THE ORGANIZATION OF AMERICAN STATES

Signed at Bogotá April 30, 1948; Ratification advised by the Senate of the United States of America, with reservation, August 28, 1950; Ratified by the President of the United States of America, subject to said reservation, June 15, 1951; Ratification of the United States of America deposited with the Pan American Union June 19, 1951; Proclaimed by the President of the United States of America December 27, 1951; Entered into force December 13, 1951

Signatory countries	Date of instrument of ratification	Date of deposit of the instrument of ratification
Argentina.....	January 19, 1956.....	April 10, 1956.
Barbados.....	November 14, 1967.....	November 15, 1967.
Bolivia.....	September 25, 1950.....	October 18, 1950.
Brazil.....	February 11, 1950.....	March 13, 1950
Chile.....	May 5, 1953.....	June 5, 1953.
Colombia.....	December 7, 1951.....	December 13, 1951.
Costa Rica.....	October 30, 1948.....	November 16, 1948.
Cuba.....	July 8, 1952.....	July 16, 1952.
Dominican Republic.....	April 11, 1949.....	April 22, 1949.
Ecuador.....	December 21, 1950.....	December 28, 1950.
El Salvador.....	August 15, 1950.....	September 11, 1950.
Guatemala.....	March 18, 1955 <sup>1</sup> .....	April 6, 1955. <sup>1</sup>
Haiti.....	August 21, 1950.....	March 28, 1951.
Honduras.....	January 13, 1950.....	February 7, 1950.
Mexico.....	November 23, 1948.....	November 23, 1948.
Nicaragua.....	June 21, 1950.....	July 26, 1950.
Panama.....	March 16, 1951.....	March 22, 1951.
Paraguay.....	March 30, 1950.....	May 3, 1950.
Peru.....	May 15, 1952 <sup>1</sup> .....	February 12, 1954. <sup>1</sup>
Trinidad and Tobago.....	March 14, 1967.....	March 17, 1967,
United States.....	June 15, 1951 <sup>1</sup> .....	June 19, 1951. <sup>1</sup>
Uruguay.....	August 17, 1955.....	September 1, 1955.
Venezuela.....	December 21, 1951.....	December 29, 1951.

<sup>1</sup> With a reservation.

IN THE NAME OF THEIR PEOPLES, THE STATES REPRESENTED AT THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES,

Convinced that the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace, and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law;

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held at Mexico City,<sup>[1]</sup>

HAVE AGREED UPON THE FOLLOWING

## CHARTER OF THE ORGANIZATION OF AMERICAN STATES [2]

### PART ONE

#### CHAPTER I. NATURE AND PURPOSES

##### ARTICLE 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity and their independence. Within the United Nations, the Organization of American States is a regional agency.

##### ARTICLE 2

All American States that ratify the present Charter are Members of the Organization.

##### ARTICLE 3

Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

##### ARTICLE 4

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

- (a) To strengthen the peace and security of the continent;
- (b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;
- (c) To provide for common action on the part of those States in the event of aggression;
- (d) To seek the solution of political, juridical and economic problems that may arise among them; and
- (e) To promote, by cooperative action, their economic, social and cultural development.

<sup>1</sup> Treaties and Other International Acts Series 1548.

<sup>2</sup> See p. 48 for Protocol of Amendment signed at the Third Special Inter-American Conference on February 27, 1967, and awaiting ratifications.

## CHAPTER II. PRINCIPLES

## ARTICLE 5

The American States reaffirm the following principles:

(a) International law is the standard of conduct of States in their reciprocal relations;

(b) International order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

(c) Good faith shall govern the relations between States;

(d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy.

(e) The American States condemn war of aggression: victory does not give rights;

(f) An act of aggression against one American State is an act of aggression against all the other American States;

(g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;

(h) Social justice and social security are bases of lasting peace;

(i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;

(j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex;

(k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;

(l) The education of peoples should be directed toward justice, freedom and peace.

## CHAPTER III. FUNDAMENTAL RIGHTS AND DUTIES OF STATES

## ARTICLE 6

States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

## ARTICLE 7

Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

## ARTICLE 8

The fundamental rights of States may not be impaired in any manner whatsoever.

## ARTICLE 9

The political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

## ARTICLE 10

Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

## ARTICLE 11

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

## ARTICLE 12

The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

## ARTICLE 13

Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

## ARTICLE 14

Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

## ARTICLE 15

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.

## ARTICLE 16

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

## ARTICLE 17

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force

taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

## ARTICLE 18

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

## ARTICLE 19

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 15 and 17.

## CHAPTER IV. PACIFIC SETTLEMENT OF DISPUTES

## ARTICLE 20

All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Chapter, before being referred to the Security Council of the United Nations.

## ARTICLE 21

The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

## ARTICLE 22

In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the Parties shall agree on some other peaceful procedure that will enable them to reach a solution.

## ARTICLE 23

A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

## CHAPTER V. COLLECTIVE SECURITY

## ARTICLE 24

Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

## ARTICLE 25

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected

by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

## CHAPTER VI. ECONOMIC STANDARDS

### ARTICLE 26

The Member States agree to cooperate with one another, as far as their resources may permit and their laws may provide, in the broadest spirit of good neighborliness, in order to strengthen their economic structure, develop their agriculture and mining, promote their industry and increase their trade.

### ARTICLE 27

If the economy of an American State is affected by serious conditions that cannot be satisfactorily remedied by its own unaided effort, such State may place its economic problems before the Inter-American Economic and Social Council to seek through consultation the most appropriate solution for such problems.

## CHAPTER VII. SOCIAL STANDARDS

### ARTICLE 28

The Member States agree to cooperate with one another to achieve just and decent living conditions for their entire populations.

### ARTICLE 29

The Member States agree upon the desirability of developing their social legislation on the following bases:

(a) All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security;

(b) Work is a right and a social duty; it shall not be considered as an article of commerce; it demands respect for freedom of association and for the dignity of the worker; and it is to be performed under conditions that ensure life, health and a decent standard of living, both during the working years and during old age, or when any circumstance deprives the individual of the possibility of working.

## CHAPTER VIII. CULTURAL STANDARDS

### ARTICLE 30

The Member States agree to promote, in accordance with their constitutional provisions and their material resources, the exercise of the right to education, on the following bases:

(a) Elementary education shall be compulsory and, when provided by the State, shall be without cost;

(b) Higher education shall be available to all, without distinction as to race, nationality, sex, language, creed or social condition.

## ARTICLE 31

With due consideration for the national character of each State, the Member States undertake to facilitate free cultural interchange by every medium of expression.

## PART TWO

## CHAPTER IX. THE ORGANS

## ARTICLE 32

The Organization of American States accomplishes its purposes by means of:

- (a) The Inter-American Conference;
- (b) The Meeting of Consultation of Ministers of Foreign Affairs;
- (c) The Council;
- (d) The Pan American Union;
- (e) The Specialized Conferences; and
- (f) The Specialized Organizations.

## CHAPTER X. THE INTER-AMERICAN CONFERENCE

## ARTICLE 33

The Inter-American Conference is the supreme organ of the Organization of American States. It decides the general action and policy of the Organization and determines the structure and functions of its Organs, and has the authority to consider any matter relating to friendly relations among the American States. These functions shall be carried out in accordance with the provisions of this Charter and of other inter-American treaties.

## ARTICLE 34

All Member States have the right to be represented at the Inter-American Conference. Each State has the right to one vote.

## ARTICLE 35

The Conference shall convene every five years at the time fixed by the Council of the Organization, after consultation with the government of the country where the Conference is to be held.

## ARTICLE 36

In special circumstances and with the approval of two-thirds of the American Governments, a special Inter-American Conference may be held, or the date of the next regular Conference may be changed.

## ARTICLE 37

Each Inter-American Conference shall designate the place of meeting of the next Conference. If for any unforeseen reason the Conference cannot be held at the place designated, the Council of the Organization shall designate a new place.

## ARTICLE 38

The program and regulations of the Inter-American Conference shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

## CHAPTER XI. THE MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

## ARTICLE 39

The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

## ARTICLE 40

Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

## ARTICLE 41

The program and regulations of the Meeting of Consultation shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

## ARTICLE 42

If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

## ARTICLE 43

In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Council of the Organization, who shall at the same time call a meeting of the Council itself.

## ARTICLE 44

An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

## ARTICLE 45

The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meet-

ing of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

## ARTICLE 46

The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

## ARTICLE 47

The Committee shall also meet when the Conference or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

## CHAPTER XII. THE COUNCIL

## ARTICLE 48

The Council of the Organization of American States is composed of one Representative of each Member State of the Organization, especially appointed by the respective Government, with the rank of Ambassador. The appointment may be given to the diplomatic representative accredited to the Government of the country in which the Council has its seat. During the absence of the titular Representative, the Government may appoint an interim Representative.

## ARTICLE 49

The Council shall elect a Chairman and a Vice Chairman, who shall serve for one year and shall not be eligible for election to either of those positions for the term immediately following.

## ARTICLE 50

The Council takes cognizance, within the limits of the present Charter and of inter-American treaties and agreements, of any matter referred to it by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs.

## ARTICLE 51

The Council shall be responsible for the proper discharge by the Pan American Union of the duties assigned to it.

## ARTICLE 52

The Council shall serve provisionally as the Organ of Consultation when the circumstances contemplated in Article 43 of this Charter arise.

## ARTICLE 53

It is also the duty of the Council:

- (a) To draft and submit to the Governments and to the Inter-American Conference proposals for the creation of new Specialized Organizations or for the combination, adaptation or elimina-

tion of existing ones, including matters relating to the financing and support thereof;

(b) To draft recommendations to the Governments, the Inter-American Conference, the Specialized Conferences or the Specialized Organizations, for the coordination of the activities and programs of such organizations, after consultation with them;

(c) To conclude agreements with the Inter-American Specialized Organizations to determine the relations that shall exist between the respective agency and the Organization;

(d) To conclude agreements or special arrangements for cooperation with other American organizations of recognized international standing;

(e) To promote and facilitate collaboration between the Organization of American States and the United Nations, as well as between Inter-American Specialized Organizations and similar international agencies;

(f) To adopt resolutions that will enable the Secretary General to perform the duties envisaged in Article 84;

(g) To perform the other duties assigned to it by the present Charter.

#### ARTICLE 54

The Council shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Pan American Union, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. The budget, after approval by the Council, shall be transmitted to the Governments at least six months before the first day of the fiscal year, with a statement of the annual quota of each country. Decisions on budgetary matters require the approval of two-thirds of the members of the Council.

#### ARTICLE 55

The Council shall formulate its own regulations.

#### ARTICLE 56

The Council shall function at the seat of the Pan American Union.

#### ARTICLE 57

The following are organs of the Council of the Organization of American States:

- (a) The Inter-American Economic and Social Council;
- (b) The Inter-American Council of Jurists; and
- (c) The Inter-American Cultural Council.

#### ARTICLE 58

The organs referred to in the preceding article shall have technical autonomy within the limits of this Charter; but their decisions shall not encroach upon the sphere of action of the Council of the Organization.

## ARTICLE 59

The organs of the Council of the Organization are composed of representatives of all the Member States of the Organization.

## ARTICLE 60

The organs of the Council of the Organization shall, as far as possible, render to the Governments such technical services as the latter may request; and they shall advise the Council of the Organization on matters within their jurisdiction.

## ARTICLE 61

The organs of the Council of the Organization shall, in agreement with the Council, establish cooperative relations with the corresponding organs of the United Nations and with the national or international agencies that function within their respective spheres of action.

## ARTICLE 62

The Council of the Organization, with the advice of the appropriate bodies and after consultation with the Governments, shall formulate the statutes of its organs in accordance with and in the execution of the provisions of this Charter. The organs shall formulate their own regulations.

(A) *The Inter-American Economic and Social Council*

## ARTICLE 63

The Inter-American Economic and Social Council has for its principal purpose the promotion of the economic and social welfare of the American nations through effective cooperation for the better utilization of their natural resources, the development of their agriculture and industry and the raising of the standards of living of their peoples.

## ARTICLE 64

To accomplish this purpose the Council shall:

- (a) Propose the means by which the American nations may give each other technical assistance in making studies and formulating and executing plans to carry out the purposes referred to in Article 26 and to develop and improve their social services;
- (b) Act as coordinating agency for all official inter-American activities of an economic and social nature;
- (c) Undertake studies on its own initiative or at the request of any Member State;
- (d) Assemble and prepare reports on economic and social matters for the use of the Member States;
- (e) Suggest to the Council of the Organization the advisability of holding specialized conferences on economic and social matters;
- (f) Carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

## ARTICLE 65

The Inter-American Economic and Social Council, composed of technical delegates appointed by each Member State, shall meet on its own initiative or on that of the Council of the Organization.

## ARTICLE 66

The Inter-American Economic and Social Council shall function at the seat of the Pan American Union, but it may hold meetings in any American city by a majority decision of the Member States.

*(B) The Inter-American Council of Jurists*

## ARTICLE 67

The purpose of the Inter-American Council of Jurists is to serve as an advisory body on juridical matters; to promote the development and codification of public and private international law; and to study the possibility of attaining uniformity in the legislation of the various American countries, insofar as it may appear desirable.

## ARTICLE 68

The Inter-American Juridical Committee of Rio de Janeiro shall be the permanent committee of the Inter-American Council of Jurists.

## ARTICLE 69

The Juridical Committee shall be composed of jurists of the nine countries selected by the Inter-American Conference. The selection of the jurists shall be made by the Inter-American Council of Jurists from a panel submitted by each country chosen by the Conference. The Members of the Juridical Committee represent all Member States of the Organization. The Council of the Organization is empowered to fill any vacancies that occur during the intervals between Inter-American Conferences and between meetings of the Inter-American Council of Jurists.

## ARTICLE 70

The Juridical Committee shall undertake such studies and preparatory work as are assigned to it by the Inter-American Council of Jurists, the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization. It may also undertake those studies and projects which, on its own initiative, it considers advisable.

## ARTICLE 71

The Inter-American Council of Jurists and the Juridical Committee should seek the cooperation of national committees for the codification of international law, of institutes of international and comparative law, and of other specialized agencies.

## ARTICLE 72

The Inter-American Council of Jurists shall meet when convened by the Council of the Organization, at the place determined by the Council of Jurists at its previous meeting.

*(C) The Inter-American Cultural Council*

## ARTICLE 73

The purpose of the Inter-American Cultural Council is to promote friendly relations and mutual understanding among the American peoples, in order to strengthen the peaceful sentiments that have characterized the evolution of America, through the promotion of educational, scientific and cultural exchange.

## ARTICLE 74

To this end the principal functions of the Council shall be:

- (a) To sponsor inter-American cultural activities;
- (b) To collect and supply information on cultural activities carried on in and among the American States by private and official agencies both national and international in character;
- (c) To promote the adoption of basic educational programs adapted to the needs of all population groups in the American countries;
- (d) To promote, in addition, the adoption of special programs of training, education and culture for the indigenous groups of the American countries;
- (e) To cooperate in the protection, preservation and increase of the cultural heritage of the continent;
- (f) To promote cooperation among the American nations in the fields of education, science and culture, by means of the exchange of materials for research and study, as well as the exchange of teachers, students, specialists and, in general, such other persons and materials as are useful for the realization of these ends;
- (g) To encourage the education of the peoples for harmonious international relations;
- (h) To carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

## ARTICLE 75

The Inter-American Cultural Council shall determine the place of its next meeting and shall be convened by the Council of the Organization on the date chosen by the latter in agreement with the Government of the country selected as the seat of the meeting.

## ARTICLE 76

There shall be a Committee for Cultural Action of which five States, chosen at each Inter-American Conference, shall be members. The individuals composing the Committee for Cultural Action shall

be selected by the Inter-American Cultural Council from a panel submitted by each country chosen by the Conference, and they shall be specialists in education or cultural matters. When the Inter-American Cultural Council and the Inter-American Conference are not in session, the Council of the Organization may fill vacancies that arise and replace those countries that find it necessary to discontinue their cooperation.

## ARTICLE 77

The Committee for Cultural Action shall function as the permanent committee of the Inter-American Cultural Council, for the purpose of preparing any studies that the latter may assign to it. With respect to these studies the Council shall have the final decision.

## CHAPTER XIII. THE PAN AMERICAN UNION

## ARTICLE 78

The Pan American Union is the central and permanent organ of the Organization of American States and the General Secretariat of the Organization. It shall perform the duties assigned to it in this Charter and such other duties as may be assigned to it in other inter-American treaties and agreements.

## ARTICLE 79

There shall be a Secretary General of the Organization, who shall be elected by the Council for a ten-year term and who may not be reelected or be succeeded by a person of the same nationality. In the event of a vacancy in the office of Secretary General, the Council shall, within the next ninety days, elect a successor to fill the office for the remainder of the term, who may be reelected if the vacancy occurs during the second half of the term.

## ARTICLE 80

The Secretary General shall direct the Pan American Union and be the legal representative thereof.

## ARTICLE 81

The Secretary General shall participate with voice, but without vote, in the deliberations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, the Specialized Conferences, and the Council and its organs.

## ARTICLE 82

The Pan American Union, through its technical and information offices, shall, under the direction of the Council, promote economic, social, juridical and cultural relations among all the Member States of the Organization.

## ARTICLE 83

The Pan American Union shall also perform the following functions:

(a) Transmit *ex officio* to Member States the convocation to the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(b) Advise the Council, and its organs in the preparation of programs and regulations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(c) Place, to the extent of its ability, at the disposal of the Government of the country where a conference is to be held, the technical aid and personnel which such Government may request;

(d) Serve as custodian of the documents and archives of the Inter-American Conference, of the Meeting of Consultation of Ministers of Foreign Affairs, and, insofar as possible, of the Specialized Conferences;

(e) Serve as depository of the instruments of ratification of inter-American agreements;

(f) Perform the functions entrusted to it by the Inter-American Conference, and the Meeting of Consultation of Ministers of Foreign Affairs;

(g) Submit to the Council an annual report on the activities of the Organization;

(h) Submit to the Inter-American Conference a report on the work accomplished by the Organs of the Organization since the previous Conference.

## ARTICLE 84

It is the duty of the Secretary General:

(a) To establish, with the approval of the Council, such technical and administrative offices of the Pan American Union as are necessary to accomplish its purposes;

(b) To determine the number of department heads, officers and employees of the Pan American Union; to appoint them, regulate their powers and duties, and fix their compensation, in accordance with general standards established by the Council.

## ARTICLE 85

There shall be an Assistant Secretary General, elected by the Council for a term of ten years and eligible for reelection. In the event of a vacancy in the office of Assistant Secretary General, the Council shall, within the next ninety days, elect a successor to fill such office for the remainder of the term.

## ARTICLE 86

The Assistant Secretary General shall be the Secretary of the Council. He shall perform the duties of the Secretary General during the temporary absence or disability of the latter, or during the ninety-day vacancy referred to in Article 79. He shall also serve as advisory officer to the Secretary General, with the power to act as his delegate in all matters that the Secretary General may entrust to him.

## ARTICLE 87

The Council, by a two-thirds vote of its members, may remove the Secretary General or the Assistant Secretary General whenever the proper functioning of the Organization so demands.

## ARTICLE 88

The heads of the respective departments of the Pan American Union, appointed by the Secretary General, shall be the Executive Secretaries of the Inter-American Economic and Social Council, the Council of Jurists and the Cultural Council.

## ARTICLE 89

In the performance of their duties the personnel shall not seek or receive instructions from any government or from any other authority outside the Pan American Union. They shall refrain from any action that might reflect upon their position as international officials responsible only to the Union.

## ARTICLE 90

Every Member of the Organization of American States pledges itself to respect the exclusively international character of the responsibilities of the Secretary General and the personnel, and not to seek to influence them in the discharge of their duties.

## ARTICLE 91

In selecting its personnel the Pan American Union shall give first consideration to efficiency, competence and integrity; but at the same time importance shall be given to the necessity of recruiting personnel on as broad a geographical basis as possible.

## ARTICLE 92

The seat of the Pan American Union is the city of Washington.

## CHAPTER XIV. THE SPECIALIZED CONFERENCES

## ARTICLE 93

The Specialized Conferences shall meet to deal with special technical matters or to develop specific aspects of inter-American cooperation, when it is so decided by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs; when inter-American agreements so provide; or when the Council of the Organization considers it necessary, either on its own initiative or at the request of one of its organs or of one of the Specialized Organizations.

## ARTICLE 94

The program and regulations of the Specialized Conferences shall be prepared by the organs of the Council of the Organization or by the Specialized Organizations concerned; they shall be submitted to the Member Governments for consideration and transmitted to the Council for its information.

## CHAPTER XV. THE SPECIALIZED ORGANIZATIONS

## ARTICLE 95

For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

## ARTICLE 96

The Council shall, for the purposes stated in Article 53, maintain a register of the Organizations that fulfill the conditions set forth in the foregoing Article.

## ARTICLE 97

The Specialized Organizations shall enjoy the fullest technical autonomy and shall take into account the recommendations of the Council, in conformity with the provisions of the present Charter.

## ARTICLE 98

The Specialized Organizations shall submit to the Council periodic reports on the progress of their work and on their annual budgets and expenses.

## ARTICLE 99

Agreements between the Council and the Specialized Organizations contemplated in paragraph (c) of Article 53 may provide that such Organizations transmit their budgets to the Council for approval. Arrangements may also be made for the Pan American Union to receive the quotas of the contributing countries and distribute them in accordance with said agreements.

## ARTICLE 100

The Specialized Organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a worldwide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

## ARTICLE 101

In determining the geographic location of the Specialized Organizations the interests of all the American States shall be taken into account.

## PART THREE

## CHAPTER XVI. THE UNITED NATIONS

## ARTICLE 102

None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

## CHAPTER XVII. MISCELLANEOUS PROVISIONS

## ARTICLE 103

The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

## ARTICLE 104

The Representatives of the Governments on the Council of the Organization, the representatives on the organs of the Council, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties.

## ARTICLE 105

The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned.

## ARTICLE 106

Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

## ARTICLE 107

The Organization of American States does not recognize any restriction on the eligibility of men and women to participate in the activities of the various Organs and to hold positions therein.

## CHAPTER XVIII. RATIFICATION AND ENTRY INTO FORCE

## ARTICLE 108

The present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese and French texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory States of such deposit.

## ARTICLE 109

The present Charter shall enter into force among the ratifying States when two-thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

## ARTICLE 110

The present Charter shall be registered with the Secretariat of the United Nations through the Pan American Union.

## ARTICLE 111

Amendments to the present Charter may be adopted only at an Inter-American Conference convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in Article 109.

## ARTICLE 112

The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the Pan American Union, which shall communicate to all the others each notice of denunciation received. After two years from the date on which the Pan American Union receives a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, whose full powers have been presented and found to be in good and due form, sign the present Charter at the city of Bogotá, Colombia, on the dates that appear opposite their respective signatures.

---

### Reservations Made at the Time of Ratification of the Charter

#### *Guatemala*

None of the stipulations of the present Charter of the Organization of American States may be considered as an impediment to Guatemala's assertion of its rights over the territory of Belize by such means as at any time it may deem advisable.[<sup>1</sup>]

#### *Peru*

With the reservation that the principles of inter-American solidarity and cooperation and essentially those set forth in the preamble and declarations of the Act of Chapultepec constitute standards for the mutual relations between the American States and juridical bases of the inter-American system.

#### *United States*

That the Senate give its advice and consent to ratification of the Charter with the reservation that none of its provisions shall be considered as enlarging the powers of the Federal Government of the United States or limiting the powers of the several states of the Federal Union with respect to any matters recognized under the Constitution as being within the reserved powers of the several states.

<sup>1</sup> With respect to this reservation, the Pan American Union consulted the signatory governments, in accordance with the procedure established by paragraph 2 of Resolution XXIX of the Eighth International Conference of American States, to ascertain whether they found it acceptable or not. At the request of the Government of Guatemala, this consultation was accompanied by a formal declaration of that Government to the effect that its reservation did not imply any alteration in the Charter of the Organization of American States, and that Guatemala is ready to act at all times within the bounds of international agreements to which it is a party. In view of this declaration, the States that previously did not find the reservation acceptable expressed their acceptance.

**Protocol of Amendment to the Charter of the Organization of American States (Protocol of Buenos Aires)**

Signed at the Third Special Inter-American Conference,  
Buenos Aires, Argentina, February 27, 1967

The Protocol will enter into force, as provided in Article XXVI, when ratifications thereof have been deposited by two-thirds of the States signatory to the OAS Charter

The Member States of the Organization of American States, represented at the Third Special Inter-American Conference,

**CONSIDERING:**

That the Charter of the Organization of American States, signed at Bogotá in 1948, set forth the purpose of achieving an order of peace and justice, promoting solidarity among the American States, strengthening their collaboration and defending their sovereignty, their territorial integrity, and their independence;

That the Second Special Inter-American Conference, held in Rio de Janeiro in 1965, declared that it was essential to forge a new dynamism for the inter-American system and imperative to modify the working structure of the Organization of American States, as well as to establish in the Charter new objectives and standards for the promotion of the economic, social, and cultural development of the peoples of the Hemisphere, and to speed up the process of economic integration; and

That it is essential to reaffirm the determination of the American States to combine their efforts in a spirit of solidarity in the permanent task of achieving the general conditions of well-being that will ensure a life of dignity and freedom to their peoples,

**HAVE AGREED UPON THE FOLLOWING**

**ARTICLE I**

Part One of the Charter of the Organization of American States shall consist of Chapters I to IX, inclusive, in accordance with Articles II to X of the present Protocol.

**ARTICLE II**

Chapter I entitled "Nature and Purposes" shall consist of the present Articles 1 and 4 without change, except that Article 4 shall be renumbered as Article 2.

**ARTICLE III**

Chapter II entitled "Principles" shall consist of the present Article 5 without change, except that it shall be renumbered as Article 3.

**ARTICLE IV**

A new Chapter III entitled "Members" shall be added and shall consist of Articles 4 to 8, inclusive. The present Articles 2 and 3 shall become Articles 4 and 5, respectively. The new Articles 6, 7, and 8 shall read as follows:

*Article 6*

Any other independent American State that desires to become a Member of the Organization should so indicate by means of a note addressed to the Secretary General, in which it declares that it is willing to sign and ratify the Charter of the Organization and to accept all the obligations inherent in membership, especially those relating to collective security expressly set forth in Articles 27 and 28 of the Charter.

*Article 7*

The General Assembly, upon the recommendation of the Permanent Council of the Organization, shall determine whether it is appropriate that the Secretary General be authorized to permit the applicant State to sign the Charter and to accept the deposit of the corresponding instrument of ratification. Both the recommendation of the Permanent Council and the decision of the General Assembly shall require the affirmative vote of two thirds of the Member States.

*Article 8*

The Permanent Council shall not make any recommendation nor shall the General Assembly take any decision with respect to a request for admission on the part of a political entity whose territory became subject, in whole or in part, prior to December 18, 1964, the date set by the First Special Inter-American Conference, to litigation or claim between an extracontinental country and one or more Member States of the Organization, until the dispute has been ended by some peaceful procedure.

## ARTICLE V

Chapter III entitled "Fundamental Rights and Duties of States" shall become Chapter IV having the same title and consisting of the present Articles 6 to 19, inclusive, which shall become Articles 9 to 22, respectively; but the reference to "Articles 15 and 17" in the present Article 19, which shall become Article 22, shall be changed to "Articles 18 and 20."

## ARTICLE VI

Chapter IV entitled "Pacific Settlement of Disputes" shall become Chapter V having the same title and consisting of the present Articles 20 to 23, inclusive, which shall become Articles 23 to 26, respectively.

## ARTICLE VII

Chapter V entitled "Collective Security" shall become Chapter VI having the same title and consisting of the present Articles 24 and 25, which shall become Articles 27 and 28, respectively.

## ARTICLE VIII

Chapter VI entitled "Economic Standards" shall be replaced by a Chapter VII having the same title and consisting of Articles 29 to 42, inclusive, which shall read as follows:

*Article 29*

The Member States, inspired by the principles of inter-American solidarity and cooperation, pledge themselves to a united effort to ensure social justice in the Hemisphere and dynamic and balanced economic development for their peoples, as conditions essential to peace and security.

*Article 30*

The Member States pledge themselves to mobilize their own national human and material resources through suitable programs, and recognize the importance of operating within an efficient domestic structure, as fundamental conditions for their economic and social progress and for assuring effective inter-American cooperation.

*Article 31*

To accelerate their economic and social development, in accordance with their own methods and procedures and within the framework of the democratic principles and the institutions of the inter-American system, the Member States agree to dedicate every effort to achieve the following basic goals:

- (a) Substantial and self-sustained increase in the per capita national product;
- (b) Equitable distribution of national income;
- (c) Adequate and equitable systems of taxation;
- (d) Modernization of rural life and reforms leading to equitable and efficient land-tenure systems, increased agricultural productivity, expanded use of undeveloped land, diversification of production, and improved processing and marketing systems for agricultural products; and the strengthening and expansion of facilities to attain these ends;
- (e) Accelerated and diversified industrialization, especially of capital and intermediate goods;
- (f) Stability in the domestic price levels, compatible with sustained economic development and the attainment of social justice;
- (g) Fair wages, employment opportunities, and acceptable working conditions for all;
- (h) Rapid eradication of illiteracy and expansion of educational opportunities for all;
- (i) Protection of man's potential through the extension and application of modern medical science;
- (j) Proper nutrition, especially through the acceleration of national efforts to increase the production and availability of food;
- (k) Adequate housing for all sectors of the population;
- (l) Urban conditions that offer the opportunity for a healthful, productive, and full life;
- (m) Promotion of private initiative and investment in harmony with action in the public sector; and
- (n) Expansion and diversification of exports.

*Article 32*

In order to attain the objectives set forth in this Chapter, the Member States agree to cooperate with one another, in the broadest

spirit of inter-American solidarity, as far as their resources may permit and their laws may provide.

*Article 33*

To attain balanced and sustained development as soon as feasible, the Member States agree that the resources made available from time to time by each, in accordance with the preceding Article, should be provided under flexible conditions and in support of the national and multinational programs and efforts undertaken to meet the needs of the assisted country, giving special attention to the relatively less-developed countries.

They will seek, under similar conditions and for similar purposes, financial and technical cooperation from sources outside the Hemisphere and from international institutions.

*Article 34*

The Member States should make every effort to avoid policies, actions, or measures that have serious adverse effects on the economic or social development of another Member State.

*Article 35*

The Member States agree to join together in seeking a solution to urgent or critical problems that may arise whenever the economic development or stability of any Member State is seriously affected by conditions that cannot be remedied through the efforts of that State.

*Article 36*

The Member States shall extend among themselves the benefits of science and technology by encouraging the exchange and utilization of scientific and technical knowledge in accordance with existing treaties and national laws.

*Article 37*

The Member States, recognizing the close interdependence between foreign trade and economic and social development, should make individual and united efforts to bring about the following:

(a) Reduction or elimination, by importing countries, of tariff and nontariff barriers that affect the exports of the Members of the Organization, except when such barriers are applied in order to diversify the economic structure, to speed up the development of the less-developed Member States or to intensify their process of economic integration, or when they are related to national security or to the needs for economic balance;

(b) Maintenance of continuity in their economic and social development by means of:

i. Improved conditions for trade in basic commodities through international agreements, where appropriate; orderly marketing procedures that avoid the disruption of markets; and other measures designed to promote the expansion of markets, and to obtain dependable incomes for producers, adequate and dependable supplies for consumers, and stable

prices that are both remunerative to producers and fair to consumers;

ii. Improved international financial cooperation and the adoption of other means for lessening the adverse impact of sharp fluctuations in export earnings experienced by the countries exporting basic commodities; and

iii. Diversification of exports and expansion of export opportunities for manufactured and semimanufactured products from the developing countries by promoting and strengthening national and multinational institutions and arrangements established for these purposes.

#### *Article 38*

The Member States reaffirm the principle that when the more-developed countries grant concessions in international trade agreements that lower or eliminate tariffs or other tariff barriers to foreign trade so that they benefit the less-developed countries, they should not expect reciprocal concessions from those countries that are incompatible with their economic development, financial, and trade needs.

#### *Article 39*

The Member States, in order to accelerate their economic development, regional integration, and the expansion and improvement of the conditions of their commerce, shall promote improvement and coordination of transportation and communication in the developing countries and among the Member States.

#### *Article 40*

The Member States recognize that integration of the developing countries of the Hemisphere is one of the objectives of the inter-American system and, therefore, shall orient their efforts and take the necessary measures to accelerate the integration process, with a view to establishing a Latin American common market in the shortest possible time.

#### *Article 41*

In order to strengthen and accelerate integration in all its aspects, the Member States agree to give adequate priority to the preparation and carrying out of multinational projects and to their financing, as well as to encourage economic and financial institutions of the inter-American system to continue giving their broadest support to regional integration institutions and programs.

#### *Article 42*

The Member States agree that technical and financial cooperation that seeks to promote regional economic integration should be based on the principle of harmonious, balanced, and efficient development, with particular attention to the relatively less-developed countries, so that it may be a decisive factor that will enable them to promote, with their own efforts, the improved development of their infrastructure programs, new lines of production, and export diversification.

## ARTICLE IX

Chapter VII entitled "Social Standards" shall be replaced by a Chapter VIII having the same title and consisting of Articles 43 and 44, which shall read as follows:

*Article 43*

The Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms:

(a) All human beings, without distinction as to race, sex, nationality, creed, or social condition, have a right to material well-being and to their spiritual development, under circumstances of liberty, dignity, equality of opportunity, and economic security;

(b) Work is a right and a social duty, it gives dignity to the one who performs it, and it should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working;

(c) Employers and workers, both rural and urban, have the right to associate themselves freely for the defense and promotion of their interests, including the right to collective bargaining and the workers' right to strike, and recognition of the juridical personality of associations and the protection of their freedom and independence, all in accordance with applicable laws;

(d) Fair and efficient systems and procedures for consultation and collaboration among the sectors of production, with due regard for safeguarding the interests of the entire society;

(e) The operation of systems of public administration, banking and credit, enterprise, and distribution and sales, in such a way, in harmony with the private sector, as to meet the requirements and interests of the community;

(f) The incorporation and increasing participation of the marginal sectors of the population, in both rural and urban areas, in the economic, social, civic, cultural, and political life of the nation, in order to achieve the full integration of the national community, acceleration of the process of social mobility, and the consolidation of the democratic system. The encouragement of all efforts of popular promotion and cooperation that have as their purpose the development and progress of the community;

(g) Recognition of the importance of the contribution of organizations such as labor unions, cooperatives, and cultural, professional, business, neighborhood, and community associations to the life of the society and to the development process;

(h) Development of an efficient social security policy; and

(i) Adequate provision for all persons to have due legal aid in order to secure their rights.

*Article 44*

The Member States recognize that, in order to facilitate the process of Latin American regional integration, it is necessary to harmonize

the social legislation of the developing countries, especially in the labor and social security fields, so that the rights of the workers shall be equally protected, and they agree to make the greatest efforts possible to achieve this goal.

#### ARTICLE X

Chapter VIII entitled "Cultural Standards" shall be replaced by a Chapter IX entitled "Educational, Scientific, and Cultural Standards" and consisting of Articles 45 to 50, inclusive, which shall read as follows:

##### *Article 45*

The Member States will give primary importance within their development plans to the encouragement of education, science, and culture, oriented toward the over-all improvement of the individual, and as a foundation for democracy, social justice, and progress.

##### *Article 46*

The Member States will cooperate with one another to meet their educational needs, to promote scientific research, and to encourage technological progress. They consider themselves individually and jointly bound to preserve and enrich the cultural heritage of the American peoples.

##### *Article 47*

The Member States will exert the greatest efforts, in accordance with their constitutional processes, to ensure the effective exercise of the right to education, on the following bases:

- (a) Elementary education, compulsory for children of school age, shall also be offered to all others who can benefit from it. When provided by the State it shall be without charge;
- (b) Middle-level education shall be extended progressively to as much of the population as possible, with a view to social improvement. It shall be diversified in such a way that it meets the development needs of each country without prejudice to providing a general education; and
- (c) Higher education shall be available to all, provided that, in order to maintain its high level, the corresponding regulatory or academic standards are met.

##### *Article 48*

The Member States will give special attention to the eradication of illiteracy, will strengthen adult and vocational education systems, and will ensure that the benefits of culture will be available to the entire population. They will promote the use of all information media to fulfill these aims.

##### *Article 49*

The Member States will develop science and technology through educational and research institutions and through expanded information programs. They will organize their cooperation in these fields efficiently and will substantially increase exchange of knowledge, in accordance with national objectives and with laws and treaties in force.

*Article 50*

The Member States, with due respect for the individuality of each of them, agree to promote cultural exchange as an effective means of consolidating inter-American understanding; and they recognize that regional integration programs should be strengthened by close ties in the fields of education, science, and culture.

## ARTICLE XI

Part Two of the Charter shall consist of Chapters X to XXI, inclusive, in accordance with Articles XII to XVIII of the present Protocol.

## ARTICLE XII

Chapter IX entitled "The Organs" shall become Chapter X having the same title and consisting of Article 51, which shall read as follows:

*Article 51*

The Organization of American States accomplishes its purposes by means of:

- (a) The General Assembly;
- (b) The Meeting of Consultation of Ministers of Foreign Affairs;
- (c) The Councils;
- (d) The Inter-American Juridical Committee;
- (e) The Inter-American Commission on Human Rights;
- (f) The General Secretariat;
- (g) The Specialized Conferences; and
- (h) The Specialized Organizations.

There may be established, in addition to those provided for in the Charter and in accordance with the provisions thereof, such subsidiary organs, agencies, and other entities as are considered necessary.

## ARTICLE XIII

Chapter X entitled "The Inter-American Conference" shall be replaced by a Chapter XI entitled "The General Assembly" and consisting of Articles 52 to 58, inclusive, which shall read as follows:

*Article 52*

The General Assembly is the supreme organ of the Organization of American States. It has as its principal powers, in addition to such others as are assigned to it by the Charter, the following:

- (a) To decide the general action and policy of the Organization, determine the structure and functions of its organs, and consider any matter relating to friendly relations among the American States;
- (b) To establish measures for coordinating the activities of the organs, agencies, and entities of the Organization among themselves and such activities with those of the other institutions of the inter-American system;
- (c) To strengthen and coordinate cooperation with the United Nations and its specialized agencies;

(d) To promote collaboration, especially in the economic, social, and cultural fields, with other international organizations whose purposes are similar to those of the Organization of American States;

(e) To approve the program-budget of the Organization and determine the quotas of the Member States;

(f) To consider the annual and special reports that shall be presented to it by the organs, agencies, and entities of the inter-American system;

(g) To adopt general standards to govern the operations of the General Secretariat; and

(h) To adopt its own rules of procedure and, by a two-thirds vote, its agenda.

The General Assembly shall exercise its powers in accordance with the provisions of the Charter and of other inter-American treaties.

#### *Article 53*

The General Assembly shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Organization, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. Decisions on budgetary matters require the approval of two thirds of the Member States.

#### *Article 54*

All Member States have the right to be represented in the General Assembly. Each State has the right to one vote.

#### *Article 55*

The General Assembly shall convene annually during the period determined by the rules of procedure and at a place selected in accordance with the principle of rotation. At each regular session the date and place of the next regular session shall be determined, in accordance with the rules of procedure.

If for any reason the General Assembly cannot be held at the place chosen, it shall meet at the General Secretariat, unless one of the Member States should make a timely offer of a site in its territory, in which case the Permanent Council of the Organization may agree that the General Assembly will meet in that place.

#### *Article 56*

In special circumstances and with the approval of two thirds of the Member States, the Permanent Council shall convoke a special session of the General Assembly.

#### *Article 57*

Decisions of the General Assembly shall be adopted by the affirmative vote of an absolute majority of the Member States, except in those cases that require a two-thirds vote as provided in the Charter or as may be provided by the General Assembly in its rules of procedure.

*Article 58*

There shall be a Preparatory Committee of the General Assembly, composed of representatives of all the Member States, which shall:

(a) Prepare the draft agenda of each session of the General Assembly;

(b) Review the proposed program-budget and the draft resolution on quotas, and present to the General Assembly a report thereon containing the recommendations it considers appropriate; and

(c) Carry out such other functions as the General Assembly may assign to it.

The draft agenda and the report shall, in due course, be transmitted to the Governments of the Member States.

## ARTICLE XIV

Chapter XI entitled "The Meeting of Consultation of Ministers of Foreign Affairs" shall become Chapter XII having the same title and consisting of the present Articles 39 to 47, inclusive, which shall become Articles 59 to 67, respectively.

The word "program" shall be replaced by the word "agenda" in the present Article 41 that becomes Article 61.

## ARTICLE XV

Chapter XII entitled "The Council" shall be replaced by Chapters XIII to XVIII, inclusive, as follows: a Chapter XIII entitled "The Councils of the Organization; Common Provisions" and consisting of Articles 68 to 77, inclusive; a Chapter XIV entitled "The Permanent Council of the Organization" and consisting of Articles 78 to 92, inclusive (the present Article 52 shall become Article 81, and the reference therein to "Article 43" shall be amended to read "Article 63"); a Chapter XV entitled "The Inter-American Economic and Social Council" and consisting of Articles 93 to 98, inclusive; a Chapter XVI entitled "The Inter-American Council for Education, Science, and Culture" and consisting of Articles 99 to 104, inclusive; a Chapter XVII entitled "The Inter-American Juridical Committee" and consisting of Articles 105 to 111, inclusive; and a Chapter XVIII entitled "The Inter-American Commission on Human Rights" and consisting of Article 112.

Articles 68 to 80, inclusive, and Articles 82 to 112, inclusive, shall read as follows:

*Article 68*

The Permanent Council of the Organization, the Inter-American Economic and Social Council, and the Inter-American Council for Education, Science, and Culture are directly responsible to the General Assembly and each has the authority granted to it in the Charter and other inter-American instruments, as well as the functions assigned to it by the General Assembly and the Meeting of Consultation of Ministers of Foreign Affairs.

*Article 69*

All Member States have the right to be represented on each of the Councils. Each State has the right to one vote.

*Article 70*

The Councils may, within the limits of the Charter and other inter-American instruments, make recommendations on matters within their authority.

*Article 71*

The Councils, on matters within their respective competence, may present to the General Assembly studies and proposals, drafts of international instruments, and proposals on the holding of specialized conferences, on the creation, modification, or elimination of specialized organizations and other inter-American agencies, as well as on the coordination of their activities. The Councils may also present studies, proposals, and drafts of international instruments to the Specialized Conferences.

*Article 72*

Each Council may, in urgent cases, convoke Specialized Conferences on matters within its competence, after consulting with the Member States and without having to resort to the procedure provided for in Article 128.

*Article 73*

The Council, to the extent of their ability, and with the cooperation of the General Secretariat, shall render to the Governments such specialized services as the latter may request.

*Article 74*

Each Council has the authority to require the other Councils, as well as the subsidiary organs and agencies responsible to them, to provide it with information and advisory services on matters within their respective spheres of competence. The Councils may also request the same services from the other agencies of the inter-American system.

*Article 75*

With the prior approval of the General Assembly, the Councils may establish the subsidiary organs and the agencies that they consider advisable for the better performance of their duties. When the General Assembly is not in session, the aforesaid organs or agencies may be established provisionally by the corresponding Council. In constituting the membership of these bodies, the Councils, insofar as possible, shall follow the criteria of rotation and equitable geographic representation.

*Article 76*

The Councils may hold meetings in any Member State, when they find it advisable and with the prior consent of the Government concerned.

*Article 77*

Each Council shall prepare its own statutes and submit them to the General Assembly for approval. It shall approve its own rules of procedure and those of its subsidiary organs, agencies, and committees.

*Article 78*

The Permanent Council of the Organization is composed of one representative of each Member State, especially appointed by the respective Government, with the rank of ambassador. Each Government may accredit an acting representative, as well as such alternates and advisers as it considers necessary.

*Article 79*

The office of Chairman of the Permanent Council shall be held by each of the representatives, in turn, following the alphabetic order in Spanish of the names of their respective countries. The office of Vice Chairman shall be filled in the same way, following reverse alphabetic order.

The Chairman and the Vice Chairman shall hold office for a term of not more than six months, which shall be determined by the statutes.

*Article 80*

Within the limits of the Charter and of inter-American treaties and agreements, the Permanent Council takes cognizance of any matter referred to it by the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs.

*Article 82*

The Permanent Council shall keep vigilance over the maintenance of friendly relations among the Member States, and for that purpose shall effectively assist them in the peaceful settlement of their disputes, in accordance with the following provisions.

*Article 83*

To assist the Permanent Council in the exercise of these powers, an Inter-American Committee on Peaceful Settlement shall be established, which shall function as a subsidiary organ of the Council. The statutes of the Committee shall be prepared by the Council and approved by the General Assembly.

*Article 84*

The parties to a dispute may resort to the Permanent Council to obtain its good offices. In such a case the Council shall have authority to assist the parties and to recommend the procedures it considers suitable for the peaceful settlement of the dispute.

If the parties so wish, the Chairman of the Council shall refer the dispute directly to the Inter-American Committee on Peaceful Settlement.

*Article 85*

In the exercise of these powers, the Permanent Council, through the Inter-American Committee on Peaceful Settlement or by any other means, may ascertain the facts in the dispute, and may do so in the territory of any of the parties with the consent of the Government concerned.

*Article 86*

Any party to a dispute in which none of the peaceful procedures set forth in Article 24 of the Charter is being followed may appeal to the Permanent Council to take cognizance of the dispute.

The Council shall immediately refer the request to the Inter-American Committee on Peaceful Settlement, which shall consider whether or not the matter is within its competence and, if it deems it appropriate, shall offer its good offices to the other party or parties. Once these are accepted, the Inter-American Committee on Peaceful Settlement may assist the parties and recommend the procedures that it considers suitable for the peaceful settlement of the dispute.

In the exercise of these powers, the Committee may carry out an investigation of the facts in the dispute, and may do so in the territory of any of the parties with the consent of the Government concerned.

*Article 87*

If one of the parties should refuse the offer, the Inter-American Committee on Peaceful Settlement shall limit itself to informing the Permanent Council, without prejudice to its taking steps to restore relations between the parties, if they were interrupted, or to reestablish harmony between them.

*Article 88*

Once such a report is received, the Permanent Council may make suggestions for bringing the parties together for the purpose of Article 87 and, if it considers it necessary, it may urge the parties to avoid any action that might aggravate the dispute.

If one of the parties should continue to refuse the good offices of the Inter-American Committee on Peaceful Settlement or of the Council, the Council shall limit itself to submitting a report to the General Assembly.

*Article 89*

The Permanent Council, in the exercise of these functions, shall take its decisions by an affirmative vote of two thirds of its members, excluding the parties to the dispute, except for such decisions as the rules of procedure provide shall be adopted by a simple majority.

*Article 90*

In performing their functions with respect to the peaceful settlement of disputes, the Permanent Council and the Inter-American Committee on Peaceful Settlement shall observe the provisions of the Charter and the principles and standards of international law, as well as take into account the existence of treaties in force between the parties.

*Article 91*

The Permanent Council shall also:

(a) Carry out those decisions of the General Assembly or of the Meeting of Consultation of Ministers of Foreign Affairs the implementation of which has not been assigned to any other body;

(b) Watch over the observance of the standards governing the operation of the General Secretariat and, when the General Assembly is not in session, adopt provisions of a regulatory nature that enable the General Secretariat to carry out its administrative functions;

(c) Act as the Preparatory Committee of the General Assembly, in accordance with the terms of Article 58 of the Charter, unless the General Assembly should decide otherwise;

(d) Prepare, at the request of the Member States and with the cooperation of the appropriate organs of the Organization, draft agreements to promote and facilitate cooperation between the Organization of American States and the United Nations or between the Organization and other American agencies of recognized international standing. These draft agreements shall be submitted to the General Assembly for approval;

(e) Submit recommendations to the General Assembly with regard to the functioning of the Organization and the coordination of its subsidiary organs, agencies, and committees;

(f) Present to the General Assembly any observations it may have regarding the reports of the Inter-American Juridical Committee and the Inter-American Commission on Human Rights; and

(g) Perform the other functions assigned to it in the Charter.

*Article 92*

The Permanent Council and the General Secretariat shall have the same seat.

*Article 93*

The Inter-American Economic and Social Council is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

*Article 94*

The purpose of the Inter-American Economic and Social Council is to promote cooperation among the American countries in order to attain accelerated economic and social development, in accordance with the standards set forth in Chapters VII and VIII.

*Article 95*

To achieve its purpose the Inter-American Economic and Social Council shall:

(a) Recommend programs and courses of action and periodically study and evaluate the efforts undertaken by the Member States;

- (b) Promote and coordinate all economic and social activities of the Organization;
- (c) Coordinate its activities with those of the other Councils of the Organization;
- (d) Establish cooperative relations with the corresponding organs of the United Nations and with other national and international agencies, especially with regard to coordination of inter-American technical assistance programs; and
- (e) Promote the solution of the cases contemplated in Article 35 of the Charter, establishing the appropriate procedure.

*Article 96*

The Inter-American Economic and Social Council shall hold at least one meeting each year at the ministerial level. It shall also meet when convoked by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, at its own initiative, or for the cases contemplated in Article 35 of the Charter.

§

*Article 97*

The Inter-American Economic and Social Council shall have a Permanent Executive Committee, composed of a Chairman and no less than seven other members, elected by the Council for terms to be established in the statutes of the Council. Each member shall have the right to one vote. The principles of equitable geographic representation and of rotation shall be taken into account, insofar as possible, in the election of members. The Permanent Executive Committee represents all of the Member States of the Organization.

*Article 98*

The Permanent Executive Committee shall perform the tasks assigned to it by the Inter-American Economic and Social Council, in accordance with the general standards established by the Council.

*Article 99*

The Inter-American Council for Education, Science, and Culture is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

*Article 100*

The purpose of the Inter-American Council for Education, Science, and Culture is to promote friendly relations and mutual understanding between the peoples of the Americas through educational, scientific, and cultural cooperation and exchange between Member States, in order to raise the cultural level of the peoples, reaffirm their dignity as individuals, prepare them fully for the tasks of progress, and strengthen the devotion to peace, democracy, and social justice that has characterized their evolution.

*Article 101*

To accomplish its purpose the Inter-American Council for Education, Science, and Culture shall:

- (a) Promote and coordinate the educational, scientific, and cultural activities of the Organization;
- (b) Adopt or recommend pertinent measures to give effect to the standards contained in Chapter IX of the Charter;
- (c) Support individual or collective efforts of the Member States to improve and extend education at all levels, giving special attention to efforts directed toward community development;
- (d) Recommend and encourage the adoption of special educational programs directed toward integrating all sectors of the population into their respective national cultures;
- (e) Stimulate and support scientific and technological education and research, especially when these relate to national development plans;
- (f) Foster the exchange of professors, research workers, technicians, and students, as well as of study materials; and encourage the conclusion of bilateral or multilateral agreements on the progressive coordination of curricula at all educational levels and on the validity and equivalence of certificates and degrees;
- (g) Promote the education of the American peoples with a view to harmonious international relations and a better understanding of the historical and cultural origins of the Americas, in order to stress and preserve their common values and destiny;
- (h) Systematically encourage intellectual and artistic creativity, the exchange of cultural works and folklore, as well as the interrelationships of the different cultural regions of the Americas;
- (i) Foster cooperation and technical assistance for protecting, preserving, and increasing the cultural heritage of the Hemisphere;
- (j) Coordinate its activities with those of the other Councils. In harmony with the Inter-American Economic and Social Council, encourage the interrelationship of programs for promoting education, science, and culture with national development and regional integration programs;
- (k) Establish cooperative relations with the corresponding organs of the United Nations and with other national and international bodies;
- (l) Strengthen the civic conscience of the American peoples, as one of the bases for the effective exercise of democracy and for the observance of the rights and duties of man;
- (m) Recommend appropriate procedures for intensifying integration of the developing countries of the Hemisphere by means of efforts and programs in the fields of education, science, and culture; and
- (n) Study and evaluate periodically the efforts made by the Member States in the fields of education, science, and culture.

#### *Article 102*

The Inter-American Council for Education, Science, and Culture shall hold at least one meeting each year at the ministerial level. It shall also meet when convoked by the General Assembly, by the Meeting of Consultation of Ministers of Foreign Affairs, or at its own initiative.

*Article 103*

The Inter-American Council for Education, Science, and Culture shall have a Permanent Executive Committee, composed of a Chairman and no less than seven other members, elected by the Council for terms to be established in the statutes of the Council. Each member shall have the right to one vote. The principles of equitable geographic representation and of rotation shall be taken into account, insofar as possible, in the election of members. The Permanent Executive Committee represents all of the Member States of the Organization.

*Article 104*

The Permanent Executive Committee shall perform the tasks assigned to it by the Inter-American Council for Education, Science, and Culture, in accordance with the general standards established by the Council.

*Article 105*

The purpose of the Inter-American Juridical Committee is to serve the Organization as an advisory body on juridical matters: to promote the progressive development and the codification of international law; and to study juridical problems related to the integration of the developing countries of the Hemisphere and insofar as may appear desirable, the possibility of attaining uniformity in their legislation.

*Article 106*

The Inter-American Juridical Committee shall undertake the studies and preparatory work assigned to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils of the Organization. It may also, on its own initiative, undertake such studies and preparatory work as it considers advisable, and suggest the holding of specialized juridical conferences.

*Article 107*

The Inter-American Juridical Committee shall be composed of eleven jurists, nationals of Member States, elected by the General Assembly for a period of four years from panels of three candidates presented by Member States. In the election, a system shall be used that takes into account partial replacement of membership and, insofar as possible, equitable geographic representation. No two members of the Committee may be nationals of the same State. Vacancies that occur shall be filled in the manner set forth above.

*Article 108*

The Inter-American Juridical Committee represents all of the Member States of the Organization, and has the broadest possible technical autonomy.

*Article 109*

The Inter-American Juridical Committee shall establish cooperative relations with universities, institutes, and other teaching centers, as well as with national and international committees and entities

devoted to study, research, teaching, or dissemination of information on juridical matters of international interest.

*Article 110*

The Inter-American Juridical Committee shall draft its statutes, which shall be submitted to the General Assembly for approval. The Committee shall adopt its own rules of procedure.

*Article 111*

The seat of the Inter-American Juridical Committee shall be the city of Rio de Janeiro, but in special cases the Committee may meet at any other place that may be designated, after consultation with the Member State concerned.

*Article 112*

There shall be an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

An inter-American convention on human rights shall determine the structure, competence, and procedure of this Commission, as well as those of other organs responsible for these matters.

ARTICLE XVI

Chapter XIII entitled "The Pan American Union" shall be replaced by a Chapter XIX entitled "The General Secretariat" which shall consist of Articles 113 to 127, inclusive. The present Article 92 shall become Article 127.

Articles 113 to 126, inclusive, shall read as follows:

*Article 113*

The General Secretariat is the central and permanent organ of the Organization of American States. It shall perform the functions assigned to it in the Charter, in other inter-American treaties and agreements, and by the General Assembly, and shall carry out the duties entrusted to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils.

*Article 114*

The Secretary General of the Organization shall be elected by the General Assembly for a five-year term and may not be reelected more than once or succeeded by a person of the same nationality. In the event that the office of Secretary General becomes vacant, the Assistant Secretary General shall assume his duties until the General Assembly shall elect a new Secretary General for a full term.

*Article 115*

The Secretary General shall direct the General Secretariat, be the legal representative thereof, and, notwithstanding the provisions of

Article 91.b, be responsible to the General Assembly for the proper fulfillment of the obligations and functions of the General Secretariat.

*Article 116*

The Secretary General, or his representative, participates with voice but without vote in all meetings of the Organization.

*Article 117*

The General Secretariat shall promote economic, social, juridical, educational, scientific, and cultural relations among all the Member States of the Organization, in keeping with the actions and policies decided upon by the General Assembly and with the pertinent decisions of the Councils.

*Article 118*

The General Secretariat shall also perform the following functions:

(a) Transmit *ex officio* to the Member States notice of the convocation of the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, the Inter-American Economic and Social Council, the Inter-American Council for Education, Science, and Culture, and the Specialized Conferences;

(b) Advise the other organs, when appropriate, in the preparation of agenda and rules of procedure;

(c) Prepare the proposed program-budget of the Organization on the basis of programs adopted by the Councils, agencies, and entities whose expenses should be included in the program-budget and, after consultation with the Councils or their permanent committees, submit it to the Preparatory Committee of the General Assembly and then to the Assembly itself;

(d) Provide, on a permanent basis, adequate secretariat services for the General Assembly and the other organs, and carry out their directives and assignments. To the extent of its ability, provide services for the other meetings of the Organization;

(e) Serve as custodian of the documents and archives of the Inter-American Conferences, the General Assembly, the Meetings of Consultation of Ministers of Foreign Affairs, the Councils, and the Specialized Conferences;

(f) Serve as depository of inter-American treaties and agreements, as well as of the instruments of ratification thereof;

(g) Submit to the General Assembly at each regular session an annual report on the activities of the Organization and its financial condition; and

(h) Establish relations of cooperation, in accordance with decisions reached by the General Assembly or the Councils, with the Specialized Organizations as well as other national and international organizations.

*Article 119*

The Secretary General shall:

(a) Establish such offices of the General Secretariat as are necessary to accomplish its purposes; and

(b) Determine the number of officers and employees of the General Secretariat, appoint them, regulate their powers and duties, and fix their remuneration.

The Secretary General shall exercise this authority in accordance with such general standards and budgetary provisions as may be established by the General Assembly.

*Article 120*

The Assistant Secretary General shall be elected by the General Assembly for a five-year term and may not be reelected more than once or succeeded by a person of the same nationality. In the event that the office of Assistant Secretary General becomes vacant, the Permanent Council shall elect a substitute to hold that office until the General Assembly shall elect a new Assistant Secretary General for a full term.

*Article 121*

The Assistant Secretary General shall be the Secretary of the Permanent Council. He shall serve as advisory officer to the Secretary General and shall act as his delegate in all matters that the Secretary General may entrust to him. During the temporary absence or disability of the Secretary General, the Assistant Secretary General shall perform his functions.

The Secretary General and the Assistant Secretary General shall be of different nationalities.

*Article 122*

The General Assembly, by a two-thirds vote of the Member States, may remove the Secretary General or the Assistant Secretary General, or both, whenever the proper functioning of the Organization so demands.

*Article 123*

The Secretary General shall appoint, with the approval of the respective Council, the Executive Secretary for Economic and Social Affairs and the Executive Secretary for Education, Science, and Culture, who shall also be the secretaries of the respective Councils.

*Article 124*

In the performance of their duties, the Secretary General and the personnel of the Secretariat shall not seek or receive instructions from any Government or from any authority outside the Organization, and shall refrain from any action that may be incompatible with their position as international officers responsible only to the Organization.

*Article 125*

The Member States pledge themselves to respect the exclusively international character of the responsibilities of the Secretary General and the personnel of the General Secretariat, and not to seek to influence them in the discharge of their duties.

*Article 126*

In selecting the personnel of the General Secretariat, first consideration shall be given to efficiency, competence, and integrity; but at the same time, in the recruitment of personnel of all ranks, importance shall be given to the necessity of obtaining as wide a geographic representation as possible.

## ARTICLE XVII

Chapter XIV entitled "The Specialized Conferences" shall be replaced by a Chapter XX having the same title and consisting of Articles 128 and 129, which shall read as follows:

*Article 128*

The Specialized Conferences are intergovernmental meetings to deal with special technical matters or to develop specific aspects of inter-American cooperation. They shall be held when either the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs so decides, on its own initiative or at the request of one of the Councils or Specialized Organizations.

*Article 129*

The agenda and rules of procedure of the Specialized Conferences shall be prepared by the Councils or Specialized Organizations concerned and shall be submitted to the Governments of the Member States for consideration.

## ARTICLE XVIII

Chapter XV entitled "The Specialized Organizations" shall be replaced by a Chapter XXI having the same title and consisting of Articles 130 to 136, inclusive. The present Articles 95 and 100 shall become Articles 130 and 135, respectively.

Articles 131, 132, 133, 134, and 136 shall read as follows:

*Article 131*

The General Secretariat shall maintain a register of the organizations that fulfill the conditions set forth in the foregoing Article, as determined by the General Assembly after a report from the Council concerned.

*Article 132*

The Specialized Organizations shall enjoy the fullest technical autonomy, but they shall take into account the recommendations of the General Assembly and of the Councils, in accordance with the provisions of the Charter.

*Article 133*

The Specialized Organizations shall transmit to the General Assembly annual reports on the progress of their work and on their annual budgets and expenses.

*Article 134*

Relations that should exist between the Specialized Organizations and the Organization shall be defined by means of agreements concluded between each organization and the Secretary General, with the authorization of the General Assembly.

*Article 136*

In determining the location of the Specialized Organizations consideration shall be given to the interest of all of the American States and to the desirability of selecting the seats of these organizations on the basis of a geographic representation as equitable as possible.

## ARTICLE XIX

Part Three of the Charter shall consist of Chapters XXII to XXV, inclusive, in accordance with Articles XX to XXIV of the Present Protocol.

## ARTICLE XX

Chapter XVI entitled "The United Nations" shall become Chapter XXII having the same title and consisting of the present Article 102, which shall become Article 137.

## ARTICLE XXI

Chapter XVII entitled "Miscellaneous Provisions" shall be replaced by Chapter XXIII having the same title and consisting of Articles 138 to 143, inclusive. The present Articles 103 and 106 shall become Articles 139 and 142, respectively.

Articles 138, 140, 141, and 143 shall read as follows:

*Article 138*

Attendance at meetings of the permanent organs of the Organization of American States or at the conferences and meetings provided for in the Charter, or held under the auspices of the Organization, shall be in accordance with the multilateral character of the aforesaid organs, conferences, and meetings and shall not depend on the bilateral relations between the Government of any Member State and the Government of the host country.

*Article 140*

The representatives of the Member States on the organs of the Organization, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General shall enjoy the privileges and immunities corresponding to their positions and necessary for the independent performance of their duties.

*Article 141*

The juridical status of the Specialized Organizations and the privileges and immunities that should be granted to them and to their

personnel, as well as to the officials of the General Secretariat, shall be determined in a multilateral agreement. The foregoing shall not preclude, when it is considered necessary, the concluding of bilateral agreements.

*Article 143*

The Organization of American States does not allow any restriction based on race, creed, or sex, with respect to eligibility to participate in the activities of the Organization and to hold positions therein.

ARTICLE XXII

Chapter XVIII entitled "Ratification and Entry into Force" shall become Chapter XXIV having the same title and consisting of the present articles 108 to 112, inclusive, which shall become Articles 144 to 148, respectively; but the reference to "Article 109" in the present Article 111, which shall become Article 147, shall be changed to "Article 145".

ARTICLE XXIII

A new Chapter XXV entitled "Transitory Provisions" and consisting of Articles 149 and 150 shall be inserted in the Charter and shall read as follows:

*Article 149*

The Inter-American Committee on the Alliance for Progress shall act as the permanent executive committee of the Inter-American Economic and Social Council as long as the Alliance is in operation.

*Article 150*

Until the inter-American convention on human rights, referred to in Chapter XVIII, enters into force, the present Inter-American Commission on Human Rights shall keep vigilance over the observance of human rights.

ARTICLE XXIV

The terms "General Assembly", "Permanent Council of the Organization" or "Permanent Council", and "General Secretariat", shall be substituted, as the case may be, for the terms "Inter-American Conference", "Council of the Organization" or "Council", and "Pan American Union", wherever the latter terms appear in those Articles of the Charter that have not been eliminated or specifically amended by the present Protocol. In the English text of such articles the terms "Hemisphere" and "hemispheric" shall be substituted for "continent" and "continental".

ARTICLE XXV

The present Protocol shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese, and French texts of which are equally authentic, shall be deposited with the General Secretariat, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the

General Secretariat, which shall notify the signatory States of each such deposit.

## ARTICLE XXVI

The present Protocol shall enter into force among the ratifying States when two thirds of the States signatory to the Charter have deposited their instruments of ratification. It shall enter into force with respect to the remaining States in the order in which they deposit their instruments of ratification.

## ARTICLE XXVII

The present Protocol shall be registered with the Secretariat of the United Nations through the General Secretariat of the Organization.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, whose full powers have been found to be in good and due form, sign the present Protocol, which shall be known as the "Protocol of Buenos Aires", at the city of Buenos Aires, Republic of Argentina, this twenty-seventh day of February of the year one thousand nine hundred sixty-seven.

## STATEMENT OF THE DELEGATION OF ECUADOR

The Delegation of Ecuador, drawing its inspiration from the devotion of the people and the Government of Ecuador to peace and law, states for the record that the provisions approved with respect to peaceful settlement of disputes do not carry out the purpose of Resolution XIII of the Second Special Inter-American Conference, and that the Permanent Council has not been given sufficient powers to aid the Member States effectively in the peaceful settlement of their disputes.

The Delegation of Ecuador signs this Protocol of Amendment to the Charter of the Organization of American States in the understanding that none of its provisions in any way limits the right of the Member States to take their disputes, whatever their nature and the subject they deal with, to the Organization, so that it may assist the parties and recommend the suitable procedures for peaceful settlement thereof.

## STATEMENT OF THE DELEGATION OF PANAMA

The Delegation of Panama, upon signing the Protocol of Amendment of the Charter of the Organization of American States, states that it does so in the understanding that none of its provisions limits or in any way impedes the right of Panama to bring before the Organization any conflict or dispute that may have arisen with another Member State to which a just solution has not been given within a reasonable period after applying, without positive results, any of the procedures for peaceful settlement set forth in Article 21 of the present Charter.

## STATEMENT OF THE DELEGATION OF ARGENTINA

On signing the present Protocol, the Argentine Republic reiterates its firm conviction that the amendments introduced in the Charter of the OAS do not duly cover the requirements of the Organization, inasmuch as its basic instrument should contain, in addition to the organic, economic, social, and cultural standards, the essential provisions that would make the security system of the Hemisphere effective.

**Resolution to Exclude the Present Government of Cuba From Participation in the Inter-American System**

Resolution VI, adopted at Eighth Meeting of Consultation of Ministers of Foreign Affairs, held at Punta del Este, Uruguay, January 22–31, 1962, by a vote of 14 to 1 (Cuba), with 6 abstentions (Argentina, Bolivia, Brazil, Chile, Ecuador, Mexico)

**WHEREAS:**

The inter-American system is based on consistent adherence by its constituent states to certain objectives and principles of solidarity, set forth in the instruments that govern it;

Among these objectives and principles are those of respect for the freedom of man and preservation of his rights, the full exercise of representative democracy, nonintervention of one state in the internal or external affairs of another, and rejection of alliances and agreements that may lead to intervention in America by extracontinental powers;

The Seventh Meeting of Consultation of Ministers of Foreign Affairs, held in San José, Costa Rica, condemned the intervention or the threat of intervention of extracontinental communist powers in the hemisphere and reiterated the obligation of the American states to observe faithfully the principles of the regional organization;

The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental communist powers, including even the threat of military intervention in America on the part of the Soviet Union;

The Report of the Inter-American Peace Committee to the Eighth Meeting of Consultation of Ministers of Foreign Affairs establishes that:

The present connections of the Government of Cuba with the Sino-Soviet bloc of countries are evidently incompatible with the principles and standards that govern the regional system, and particularly with the collective security established by the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance;

The abovementioned Report of the Inter-American Peace Committee also states that:

It is evident that the ties of the Cuban Government with the Sino-Soviet bloc will prevent the said government from fulfilling the obligations stipulated in the Charter of the Organization and the Treaty of Reciprocal Assistance;

Such a situation in an American state violates the obligations inherent in membership in the regional system and is incompatible with that system;

The attitude adopted by the present Government of Cuba and its acceptance of military assistance offered by extracontinental communist powers breaks down the effective defense of the inter-American system; and

No member state of the inter-American system can claim the rights and privileges pertaining thereto if it denies or fails to recognize the corresponding obligations,

The Eighth Meeting of Consultation of Ministers of Foreign Affairs,  
Serving as Organ of Consultation in Application of the Inter-American  
Treaty of Reciprocal Assistance

DECLARES:

1. That, as a consequence of repeated acts, the present Government of Cuba has voluntarily placed itself outside the inter-American system.

2. That this situation demands unceasing vigilance on the part of the member states of the Organization of American States, which shall report to the Council any fact or situation that could endanger the peace and security of the hemisphere.

3. That the American states have a collective interest in strengthening the inter-American system and reuniting it on the basis of respect for human rights and the principles and objectives relative to the exercise of democracy set forth in the Charter of the Organization; and therefore

RESOLVES:

1. That adherence by any member of the Organization of American States to Marxism-Leninism is incompatible with the inter-American system and the alignment of such a government with the communist bloc breaks the unity and solidarity of the hemisphere.

2. That the present Government of Cuba, which has officially identified itself as a Marxist-Leninist government, is incompatible with the principles and objectives of the inter-American system.

3. That this incompatibility excludes the present Government of Cuba from participation in the inter-American system.

4. That the Council of the Organization of American States and the other organs and organizations of the inter-American system adopt without delay the measures necessary to comply with this resolution.

---

**Resolution to Exclude the Present Government of Cuba from the  
Inter-American Defense Board**

Resolution VII, adopted at Eighth Meeting of Consultation  
of Ministers of Foreign Affairs, held at Punta del Este,  
Uruguay, January 22-31, 1962, by a vote of 20 to 1 (Cuba)

WHEREAS:

The Inter-American Defense Board was established pursuant to Resolution 39 of the Third Meeting of Consultation of Foreign Ministers, held in Rio de Janeiro in 1942, recommending the immediate meeting of a commission composed of military and naval technicians appointed by each of the governments to study and to suggest to them measures necessary for the defense of the hemisphere;

The Inter-American Defense Board, on April 26, 1961, resolved that the participation of the Cuban regime in defense planning is highly prejudicial to the work of the Board and to the security of the hemisphere; and

The present Government of Cuba is identified with the aims and policies of the Sino-Soviet bloc.

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance

## RESOLVES:

To exclude immediately the present Government of Cuba from the Inter-American Defense Board until the Council of the Organization of American States shall determine by a vote of two-thirds of its members that membership of the Government of Cuba is not prejudicial to the work of the Board or to the security of the hemisphere.

## STATEMENTS OF SIGNATORIES

*Statement of Honduras:*

Honduras wishes to have the explanation of the position it adopted in voting for Resolution VI, Exclusion of the Present Government of Cuba from Participation in the Inter-American System, recorded in the Final Act.

With regard to the observations of a juridical nature made by several distinguished foreign ministers, Honduras maintains the existence of sufficient bases in the letter and in the spirit of the treaties and conventions of the regional system.

In the last analysis, however, in view of the threat to the peace and security of the hemisphere, in view of the threat to the dignity and freedom of the inhabitants of the Americas, and in view of the political presence of the Soviet Union in America, the Delegation of Honduras, aware of the juridical doubt that might arise, has not hesitated to give the benefit of the doubt to the defense of democracy in America.

*Statement of Argentina:*

In view of the statement made by the Representative of Uruguay at the second plenary session, held on January 31, 1962, the Delegation of Argentina wishes to record that it reiterates the juridical views expressed by Dr. Miguel Angel Cárcano, Minister of Foreign Affairs and Worship, at the ninth session of the General Committee, in explanation of his vote on Resolution VI of this Final Act.

*Statement of Colombia:*

The position of Colombia has been defined in the two statements that will be shown in the minutes of the second plenary session of this Eighth Meeting of Consultation, and that refer to general policy and to Resolution VI.

*Statement of Mexico:*

The Delegation of Mexico wishes to make it a matter of record in the Final Act of the Eighth Meeting of Consultation of Ministers of Foreign Affairs, that, in its opinion, the exclusion of a member state is not juridically possible unless the Charter of the Organization of American States is first amended pursuant to the procedure established in Article 111.

*Statement of Haiti:*

My country is proud to have participated in these discussions, which have taken place in an atmosphere of calm, of courtesy, and of mutual respect.

Haiti came to Punta del Este with the firm intention of defending the principles of nonintervention and self-determination of peoples with all that they imply. Haiti remains firmly attached to these intangible principles, which guarantee an order of mutual respect in relations among peoples of different languages and cultures.

Here Haiti has become persuaded that "the fallacies of communist propaganda cannot and should not obscure or hide the difference in philosophy which these principles represent when they are expressed by a democratic American country, and when communist governments and their agents attempt to utilize them for their own benefit."

This is the sole reason for the change in the position and attitude of my country, which is honored to have had a modest part in resolving a problem which jeopardized the peace, the solidarity, and the unity of the hemisphere.

*Statements of Ecuador:*

The Delegation of Ecuador wishes to state in the record that the exclusion of a member state from the inter-American system could only be accomplished through the prior amendment of the Charter of the Organization of American States to grant the power to exclude a state.

The Charter is the constitutional juridical statute that prevails over any other inter-American instrument.

With respect to Resolution VIII, Ecuador abstained from voting, inasmuch as sanctions are being applied, by invoking the Treaty of Reciprocal Assistance, sanctions that begin with the suspension of traffic in arms with the possibility of being extended to other items, with special attention to items of strategic importance, a concept that might include basic necessities of which the Cuban people should not be deprived and thus make the present situation more critical.

Of course, Ecuador, as a peace-loving country, reaffirms its faith in peaceful methods to settle controversies between states and condemns illegal traffic in arms.

*Statement of Brazil:*

In view of the statement made by the Representative of Uruguay at the plenary session held on January 31, 1962, the Delegation of Brazil reaffirms the validity of the juridical bases of the position taken by its country with respect to Resolution VI of the Eighth Meeting of Consultation, which position was explained at length by the Minister of Foreign Affairs of Brazil in statements made at the sessions of the General Committee held on January 24 and 30, 1962.

*Statement of Uruguay:*

The Delegation of Uruguay wishes to state in the record that, in adopting its position in the Eighth Meeting of Consultation, far from violating or forgetting the juridical standards applicable to the Cuban case, it adhered strictly to them, as befits its old and honorable tradition of being a defender of legality. The bases for this position were explained at the plenary session held on January 31, as will be shown in the minutes of that session.

## NORTH ATLANTIC TREATY BETWEEN THE UNITED STATES OF AMERICA AND OTHER GOVERNMENTS <sup>1</sup>

Signed at Washington April 4, 1949; Ratification advised by the Senate of the United States of America July 21, 1949; Ratified by the President of the United States of America July 25, 1949; Instrument of ratification of the United States of America deposited at Washington July 25, 1949; Proclaimed by the President of the United States of America August 24, 1949; Entered into force August 29, 1949

Ratified by the Kingdom of Belgium, Canada, the Kingdom of Denmark, France, Iceland, Italy, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America

Acceded to by the Federal Republic of Germany, Greece, and Turkey

The Parties to this Treaty reaffirm their faith in the purposes and principle of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

They seek to promote stability and well-being in the North Atlantic area.

They are resolved to unite their efforts for collective defense and for the preservation of peace and security.

They therefore agree to this North Atlantic Treaty:

### ARTICLE 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

### ARTICLE 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the

<sup>1</sup> See p. 221 and following for agreements between the parties to the North Atlantic Treaty regarding the status of their forces.

principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

## ARTICLE 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

## ARTICLE 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

## ARTICLE 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

## ARTICLE 6

For the purpose of Article 5 an armed attack on one or more of the Parties is deemed to include an armed attack on the territory of any of the Parties in Europe or North America, on the Algerian departments of France,<sup>1</sup> on the occupation forces of any Party in Europe, on the islands under the jurisdiction of any Party in the North Atlantic area north of the Tropic of Cancer or on the vessels or aircraft in this area of any of the Parties. (For amendment to article 6, see Article II of the Protocol on the Accession of Greece and Turkey, p. 79.)

## ARTICLE 7

This Treaty does not affect, and shall not be interpreted as affecting, in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

<sup>1</sup> See NATO press release of Jan. 24, 1963, p. 81.

## ARTICLE 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third state is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

## ARTICLE 9

The Parties hereby establish a council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The council shall be so organized as to be able to meet promptly at any time. The council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defense committee which shall recommend measures for the implementation of Articles 3 and 5.

## ARTICLE 10

The Parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any state so invited may become a party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

## ARTICLE 11

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the states which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other states on the date of the deposit of their ratifications.

## ARTICLE 12

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

## ARTICLE 13

After the Treaty has been in force for twenty years, any Party may cease to be a party one year after its notice of denunciation has been given to the Government of the United States of America, which will

inform the Governments of the other Parties of the deposit of each notice of denunciation.

## ARTICLE 14

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof will be transmitted by that Government to the Governments of the other signatories.

### Protocol to the North Atlantic Treaty on the Accession of Greece and Turkey

Opened for signature at London October 17, 1951; Ratification advised by the Senate of the United States of America February 7, 1952; Ratified by the President of the United States of America February 11, 1952; Proclaimed by the President of the United States of America March 4, 1952; Entered into force February 15, 1952

Accepted by the Kingdom of Belgium, Canada, the Kingdom of Denmark, France, Iceland, Italy, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, Portugal, the United Kingdom of Great Britain and Northern Ireland, and the United States of America

The Parties to the North Atlantic Treaty, signed at Washington on 4th April, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Kingdom of Greece and the Republic of Turkey to that Treaty,

Agree as follows:—

## ARTICLE I

Upon the entry into force of this Protocol, the Government of the United States of America shall, on behalf of all the Parties, communicate to the Government of the Kingdom of Greece and the Government of the Republic of Turkey an invitation to accede to the North Atlantic Treaty, as it may be modified by Article II of the present Protocol. Thereafter the Kingdom of Greece and the Republic of Turkey shall each become a Party on the date when it deposits its instrument of accession with the Government of the United States of America in accordance with Article 10 of the Treaty.

## ARTICLE II

If the Republic of Turkey becomes a Party to the North Atlantic Treaty, Article 6 of the Treaty shall, as from the date of the deposit by the Government of the Republic of Turkey of its instrument of accession with the Government of the United States of America, be modified to read as follows:—

“For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack—

- (i) on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France,<sup>1</sup> on the ter-

<sup>1</sup> See NATO press release of Jan. 24, 1963, p. 81.

ritory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

- (ii) on the forces, vessels or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer."

#### ARTICLE III

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of the receipt of each such notification and of the date of the entry into force of the present Protocol.

#### ARTICLE IV

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.

---

### **Protocol to the North Atlantic Treaty on the Accession of the Federal Republic of Germany**

Signed at Paris October 23, 1954; Ratification advised by the Senate of the United States of America April 1, 1955; Ratified by the President of the United States of America April 7, 1955; Proclaimed by the President of the United States of America August 16, 1955; Entered into force May 5, 1955

Accepted by the Kingdom of Belgium, Canada, the Kingdom of Denmark, France, Greece, Iceland, Italy, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, Portugal, Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States of America

The Parties to the North Atlantic Treaty signed at Washington on 4th April, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Federal Republic of Germany to that Treaty, and

Having noted that the Federal Republic of Germany has by a declaration dated 3rd October, 1954, accepted the obligations set forth in Article 2 of the Charter of the United Nations and has undertaken upon its accession to the North Atlantic Treaty to refrain from any action inconsistent with the strictly defensive character of that Treaty, and

Having further noted that all member governments have associated themselves with the declaration also made on 3rd October, 1954, by the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic in connection with the aforesaid declaration of the Federal Republic of Germany,

Agree as follows:

#### ARTICLE I

Upon the entry into force of the present Protocol, the Government of the United States of America shall on behalf of all the Parties communicate to the Government of the Federal Republic of Germany an invitation to accede to the North Atlantic Treaty. Thereafter the Federal Republic of Germany shall become a Party to that Treaty on the date when it deposits its instruments of accession with the Government of the United States of America in accordance with Article 10 of that Treaty.

#### ARTICLE II

The present Protocol shall enter into force, when (a) each of the Parties to the North Atlantic Treaty has notified to the Government of the United States of America its acceptance thereof, (b) all instruments of ratification of the Protocol Modifying and Completing the Brussels Treaty have been deposited with the Belgian Government, and (c) all instruments of ratification or approval of the Convention on the Presence of Foreign Forces in the Federal Republic of Germany have been deposited with the Government of the Federal Republic of Germany. The Government of the United States of America shall inform the other Parties to the North Atlantic Treaty of the date of the receipt of each notification of acceptance of the present Protocol and of the date of the entry into force of the present Protocol.

#### ARTICLE III

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other Parties to the North Atlantic Treaty.

---

#### NATO PRESS RELEASE

NATO PRESS SERVICE,  
*Paris, France.*

Press Release (63) 1 [For immediate release January 24th, 1963]

The French Representative made a statement to the Council of NATO on 16th January, 1963 on the effects of the independence of Algeria on certain aspects of the North Atlantic Treaty. The Council noted that insofar as the former Algerian departments of France are concerned, the relevant clauses of this Treaty had become inapplicable as from 3rd July, 1962.

**TREATY OF MUTUAL COOPERATION AND SECURITY  
BETWEEN THE UNITED STATES OF AMERICA AND JAPAN<sup>1</sup>**

Signed at Washington January 19, 1960; Ratification advised by the Senate of the United States of America June 22, 1960; Ratified by the President of the United States of America June 22, 1960; Ratified by Japan June 21, 1960; Ratifications exchanged at Tokyo June 23, 1960; Proclaimed by the President of the United States of America June 27, 1960; Entered into force June 23, 1960. With Agreed Minute and Exchanges of Notes

The United States of America and Japan,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

**ARTICLE I**

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

**ARTICLE II**

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their

<sup>1</sup> See p. 82 for agreement between the United States and Japan regarding facilities and areas and status of U.S. armed forces in Japan.

free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

## ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

## ARTICLE IV

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

## ARTICLE V

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

## ARTICLE VI

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, [1] replacing the Administrative Agreement [2] under Article III of the Security Treaty [3] between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

## ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

<sup>1</sup> TIAS 4510; 11 UST 1652; see p. 397.

<sup>2</sup> TIAS 2492; 3 UST, pt. 3, p. 3341.

<sup>3</sup> TIAS 2491; 3 UST, pt. 3, p. 3332.

## ARTICLE VIII

This Treaty shall be ratified by the United States of America and Japan in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

## ARTICLE IX

The Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

## ARTICLE X

This Treaty shall remain in force until in the opinion of the Governments of the United States of America and Japan there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

---

**Agreed Minute to the Treaty of Mutual Cooperation and Security  
Between the United States of America and Japan**

Japanese Plenipotentiary:

While the question of the status of the islands administered by the United States under Article 3 of the Treaty of Peace with Japan has not been made a subject of discussion in the course of treaty negotiations, I would like to emphasize the strong concern of the Government and people of Japan for the safety of the people of these islands since Japan possesses residual sovereignty over these islands. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under Article IV of the Treaty of Mutual Cooperation and Security. In the event of an armed attack, it is the intention of the Government of Japan to explore with the United States measures which it might be able to take for the welfare of the islanders.

United States Plenipotentiary:

In the event of an armed attack against these islands, the United States Government will consult at once with the Government of Japan and intends to take the necessary measures for the defense of these islands, and to do its utmost to secure the welfare of the islanders.

---

**Exchanges of Notes Between the United States and Japan Dated  
January 19, 1960**

EXCELLENCY:

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the under-

standing of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan.

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI

His Excellency

CHRISTIAN A. HERTER,  
*Secretary of State  
of the United States of America.*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan.

"I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

"I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration."

I have the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

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

CHRISTIAN A. HERTER  
*Secretary of State of the  
United States of America*

His Excellency

NOBUSUKE KISHI,  
*Prime Minister of Japan.*

**EXCELLENCY:**

I have the honor to refer to the Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951, the exchange of notes effected on the same date between Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America, and the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954, as well as the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of my Government that:

1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.

2. The expression "those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America" in Article V, paragraph 2 of the above-mentioned Agreement is understood to mean the facilities and areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

3. The use of the facilities and areas by the United States armed forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950, and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding of my Government stated in the foregoing numbered paragraphs is also the understanding of your Government and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security signed at Washington on January 19, 1960.

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

CHRISTIAN A. HERTER  
*Secretary of State of the  
United States of America*

His Excellency

NOBUSUKE KISHI,  
*Prime Minister of Japan.*

---

**EXCELLENCY:**

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honor to refer to the Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951, the exchange of notes effected on the same date between Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America and the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954, as well as the Treaty of Mutual Cooperation and

Security between the United States of America and Japan signed today. It is the understanding of my Government that:

1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.

2. The expression 'those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America' in Article V, paragraph 2 of the above-mentioned Agreement is understood to mean the facilities and the areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

3. The use of the facilities and areas by the United States armed forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950, and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding of my Government stated in the foregoing numbered paragraphs is also the understanding of your Government and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security signed at Washington on January 19, 1960."

I have the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI

His Excellency

CHRISTIAN A. HERTER,

*Secretary of State*

*of the United States of America.*

---

DEAR SECRETARY HERTER:

I wish to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today. Under Article IV of the Treaty, the two Governments will consult together from time to time regarding the implementation of the Treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under Article VI of the Treaty specifies certain matters as the subjects of prior consultation with the Government of Japan.

Such consultations will be carried on between the two Governments through appropriate channels. At the same time, however, I feel that the establishment of a special committee which could as appropriate be used for these consultations between the Governments would prove very useful. This committee, which would meet whenever requested by either side, could also consider any matters underlying and related to security affairs which would serve to promote understanding between the two Governments and contribute to the strength-

ening of cooperative relations between the two countries in the field of security.

Under this proposal the present "Japanese-American Committee on Security" established by the Governments of the United States and Japan on August 6, 1957, would be replaced by this new committee which might be called "The Security Consultative Committee". I would also recommend that the membership of this new committee be the same as the membership of the "Japanese-American Committee on Security", namely on the Japanese side, the Minister for Foreign Affairs, who will preside on the Japanese side, and the Director General of the Defense Agency, and on the United States side, the United States Ambassador to Japan, who will serve as Chairman on the United States side, and the Commander-in-Chief, Pacific, who will be the Ambassador's principal advisor on military and defense matters. The Commander, United States Forces, Japan, will serve as alternate for the Commander-in-Chief, Pacific.

I would appreciate very much your views on this matter.

Most sincerely,

NOBUSUKE KISHI

His Excellency

CHRISTIAN A. HERTER,

*Secretary of State*

*of the United States of America.*

---

DEAR MR. PRIME MINISTER:

The receipt is acknowledged of your Note of today's date suggesting the establishment of "The Security Consultative Committee". I fully agree to your proposal and share your view that such a committee can contribute to strengthening the cooperative relations between the two countries in the field of security. I also agree to your proposal regarding the membership of this committee.

Most sincerely,

CHRISTIAN A. HERTER

His Excellency

NOBUSUKE KISHI,

*Prime Minister of Japan.*

**SECURITY TREATY BETWEEN AUSTRALIA, NEW ZEALAND,  
AND THE UNITED STATES OF AMERICA <sup>1</sup>**

Signed at San Francisco September 1, 1951; Ratification advised by the Senate of the United States of America March 20, 1952; Ratified by the President of the United States of America April 15, 1952; Ratification of the United States of America deposited with the Government of Australia at Canberra April 29, 1952; Proclaimed by the President of the United States of America May 9, 1952; Entered into force April 29, 1952

Ratified by Australia, New Zealand, and the United States of America

The Parties to this Treaty,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the Pacific Area,

Noting that the United States already has arrangements pursuant to which its armed forces are stationed in the Philippines, and has armed forces and administrative responsibilities in the Ryukyus, and upon the coming into force of the Japanese Peace Treaty may also station armed forces in and about Japan to assist in the preservation of peace and security in the Japan Area,

Recognizing that Australia and New Zealand as members of the British Commonwealth of Nations have military obligations outside as well as within the Pacific Area,

Desiring to declare publicly and formally their sense of unity, so that no potential aggressor could be under the illusion that any of them stand alone in the Pacific Area, and

Desiring further to coordinate their efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the Pacific Area,

Therefore declare and agree as follows:

**ARTICLE I**

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

**ARTICLE II**

In order more effectively to achieve the objective of this Treaty the Parties separately and jointly by means of continuous and effective

<sup>1</sup> See p. 424 for agreement concerning status of U.S. forces in Australia.

self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack.

#### ARTICLE III

The Parties will consult together whenever in the opinion of any of them the territorial integrity, political independence or security of any of the Parties is threatened in the Pacific.

#### ARTICLE IV

Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

#### ARTICLE V

For the purpose of Article IV, an armed attack on any of the Parties is deemed to include an armed attack on the metropolitan territory of any of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.

#### ARTICLE VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

#### ARTICLE VII

The Parties hereby establish a Council, consisting of their Foreign Ministers or their Deputies, to consider matters concerning the implementation of this Treaty. The Council should be so organized as to be able to meet at any time.

#### ARTICLE VIII

Pending the development of a more comprehensive system of regional security in the Pacific Area and the development by the United Nations of more effective means to maintain international peace and security, the Council, established by Article VII, is authorized to maintain a consultative relationship with States, Regional Organizations, Associations of States or other authorities in the Pacific Area in a position to further the purposes of this Treaty and to contribute to the security of that Area.

#### ARTICLE IX

This Treaty shall be ratified by the Parties in accordance with their respective constitutional processes. The instruments of ratification

shall be deposited as soon as possible with the Government of Australia, which will notify each of the other signatories of such deposit. The Treaty shall enter into force as soon as the ratifications of the signatories have been deposited.

## ARTICLE X

This Treaty shall remain in force indefinitely. Any Party may cease to be a member of the Council established by Article VII one year after notice has been given to the Government of Australia, which will inform the Governments of the other Parties of the deposit of such notice.

## ARTICLE XI

This Treaty in the English language shall be deposited in the archives of the Government of Australia. Duly certified copies thereof will be transmitted by that Government to the Governments of each of the other signatories.

## MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES<sup>1</sup>

Signed at Washington August 30, 1951; Ratification advised by the Senate of the United States of America March 20, 1952; Ratified by the President of the United States of America April 15, 1952; Ratified by the Republic of the Philippines August 27, 1952; Ratifications exchanged at Manila August 27, 1952; Proclaimed by the President of the United States of America September 15, 1952; Entered into force August 27, 1952

The Parties to this Treaty,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the Pacific Area,

Recalling with mutual pride the historic relationship which brought their two peoples together in a common bond of sympathy and mutual ideals to fight side-by-side against imperialist aggression during the last war,

Desiring to declare publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific Area,

Desiring further to strengthen their present efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the Pacific Area,

Agreeing that nothing in this present instrument shall be considered or interpreted as in any way or sense altering or diminishing any existing agreements or understandings between the United States of America and the Republic of the Philippines,

Have agreed as follows:

### ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

### ARTICLE II

In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will

<sup>1</sup> See p. 438 for criminal jurisdiction arrangements under the Philippines-United States Military Bases Agreement of 1947.

maintain and develop their individual and collective capacity to resist armed attack.

## ARTICLE III

The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty and whenever in the opinion of either of them the territorial integrity, political independence or security of either of the Parties is threatened by external armed attack in the Pacific.

## ARTICLE IV

Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

## ARTICLE V

For the purpose of Article IV, an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.

## ARTICLE VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

## ARTICLE VII

This Treaty shall be ratified by the United States of America and the Republic of the Philippines in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Manila.

## ARTICLE VIII

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

## MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA <sup>1</sup>

Signed at Washington October 1, 1953; Ratification advised by the Senate of the United States of America, with an understanding, January 26, 1954; Ratified by the President of the United States of America, subject to the said understanding, February 5, 1954; Ratified by the Republic of Korea January 29, 1954; Ratifications exchanged in Washington, November 17, 1954; Proclaimed by the President of the United States of America December 1, 1954; Entered into force November 17, 1954

The Parties to this Treaty,

Reaffirming their desire to live in peace with all peoples and all governments, and desiring to strengthen the fabric of peace in the Pacific area,

Desiring to declare publicly and formally their common determination to defend themselves against external armed attack so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area,

Desiring further to strengthen their efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive and effective system of regional security in the Pacific area,

Have agreed as follows:

### ARTICLE I

The Parties undertake to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the Purposes of the United Nations, or obligations assumed by any Party toward the United Nations.

### ARTICLE II

The Parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the Parties is threatened by external armed attack. Separately and jointly, by self help and mutual aid, the Parties will maintain and develop appropriate means to deter armed attack and will take suitable measures in consultation and agreement to implement this Treaty and to further its purposes.

### ARTICLE III

Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective adminis-

<sup>1</sup> See p. 474 for Agreement regarding facilities and areas and the status of U.S. Armed Forces in the Republic of Korea.

trative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

## ARTICLE IV

The Republic of Korea grants, and the United States of America accepts, the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement.

## ARTICLE V

This Treaty shall be ratified by the United States of America and the Republic of Korea in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Washington.

## ARTICLE VI

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

## SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY

Treaty and Protocol signed at Manila September 8, 1954; Ratification advised by the Senate of the United States of America February 1, 1955; Ratified by the President of the United States of America February 4, 1955; Ratification of the United States of America deposited with the Government of the Republic of the Philippines February 19, 1955; Proclaimed by the President of the United States of America March 2, 1955; Entered into force February 19, 1955

Treaty and Protocol ratified by Australia, France, New Zealand, Pakistan, the Republic of the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America

NOTE.—By protocol the parties to the Southeast Asia Collective Defense Treaty designated the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam for the purposes of Article IV of the Treaty. Subsequently, Cambodia indicated disinterest in the protection of the Southeast Asia treaty. Also, in the Geneva Declaration on the Neutrality of Laos, the Royal Government of Laos declared that it will not “recognize the protection of any alliance or military coalition, including SEATO” and the United States and other nations agreed to “respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO.”

The Parties to this Treaty,

Recognizing the sovereign equality of all the Parties,

Reiterating their faith in the purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all governments,

Reaffirming that, in accordance with the Charter of the United Nations, they uphold the principle of equal rights and self-determination of peoples, and declaring that they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities,

Desiring to strengthen the fabric of peace and freedom and to uphold the principles of democracy, individual liberty and the rule of law, and to promote the economic well-being and development of all peoples in the treaty area,

Intending to declare publicly and formally their sense of unity, so that any potential aggressor will appreciate that the Parties stand together in the area, and

Desiring further to coordinate their efforts for collective defense for the preservation of peace and security,  
Therefore agree as follows:

## ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

## ARTICLE II

In order more effectively to achieve the objectives of this Treaty the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

## ARTICLE III

The Parties undertake to strengthen their free institutions and to cooperate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of governments toward these ends.

## ARTICLE IV

1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

## ARTICLE V

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall provide for consultation with regard to military and any other planning as the situation obtaining in the treaty area may from time to time require. The Council shall be so organized as to be able to meet at any time.

## ARTICLE VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of any of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security. Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

## ARTICLE VII

Any other State in a position to further the objectives of this Treaty and to contribute to the security of the area may, by unanimous agreement of the Parties, be invited to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall inform each of the Parties of the deposit of each such instrument of accession.

## ARTICLE VIII

As used in this Treaty, the "treaty area" is the general area of Southeast Asia, including also the entire territories of the Asian Parties, and the general area of the Southwest Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the treaty area the territory of any State acceding to this Treaty in accordance with Article VII or otherwise to change the treaty area.

## ARTICLE IX

1. This Treaty shall be deposited in the archives of the Government of the Republic of the Philippines. Duly certified copies thereof shall be transmitted by that government to the other signatories.

2. The Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the Republic of the Philippines, which shall notify all of the other signatories of such deposit.

3. The Treaty shall enter into force between the States which have ratified it as soon as the instruments of ratification of a majority of the signatories shall have been deposited, and shall come into effect with respect to each other State on the date of the deposit of its instrument of ratification.

## ARTICLE X

This Treaty shall remain in force indefinitely, but any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Governments of the other Parties of the deposit of each notice of denunciation.

## ARTICLE XI

The English text of this Treaty is binding on the Parties, but when the Parties have agreed to the French text thereof and have so notified the Government of the Republic of the Philippines, the French text shall be equally authentic and binding on the Parties.

## UNDERSTANDING OF THE UNITED STATES OF AMERICA

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

---

**Protocol to the Southeast Asia Collective Defense Treaty****DESIGNATION OF STATES AND TERRITORY AS TO WHICH PROVISIONS OF ARTICLE IV AND ARTICLE III ARE TO BE APPLICABLE**

The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

The Parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.

This Protocol shall enter into force simultaneously with the coming into force of the Treaty.

NOTE.—Subsequently, Cambodia has indicated disinterest in the protection of the Southeast Asia Treaty. In the Geneva Declaration on the Neutrality of Laos, the Royal Government of Laos declared that it will not “recognize the protection of any alliance or military coalition, including SEATO” and the United States and other nations agreed to “respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO.”

## PACIFIC CHARTER

The Delegates of Australia, France, New Zealand, Pakistan, the Republic of the Philippines, the Kingdom of Thailand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America;

DESIRING to establish a firm basis for common action to maintain peace and security in Southeast Asia and the Southwest Pacific;

CONVINCED that common action to this end, in order to be worthy and effective, must be inspired by the highest principles of justice and liberty;

DO HEREBY PROCLAIM:

First, in accordance with the provisions of the United Nations Charter, they uphold the principle of equal rights and self-determination of peoples and they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities;

Second, they are each prepared to continue taking effective practical measures to ensure conditions favorable to the orderly achievement of the foregoing purposes in accordance with their constitutional processes;

Third, they will continue to cooperate in the economic, social and cultural fields in order to promote higher living standards, economic progress and social well-being in this region;

Fourth, as declared in the Southeast Asia Collective Defense Treaty, they are determined to prevent or counter by appropriate means any attempt in the treaty area to subvert their freedom or to destroy their sovereignty or territorial integrity.

PROCLAIMED at Manila, this eighth day of September, 1954.

## MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA<sup>1</sup>

Signed at Washington December 2, 1954; Ratification advised by the Senate of the United States of America February 9, 1955; Ratified by the President of the United States of America February 11, 1955; Ratified by the Republic of China February 15, 1955; Ratifications exchanged at Taipei March 3, 1955; Proclaimed by the President of the United States of America April 1, 1955; Entered into force March 3, 1955

The Parties to this Treaty,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the West Pacific Area,

Recalling with mutual pride the relationship which brought their two peoples together in a common bond of sympathy and mutual ideals to fight side by side against imperialist aggression during the last war,

Desiring to declare publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the West Pacific Area, and

Desiring further to strengthen their present efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the West Pacific Area,

Have agreed as follows:

### ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace, security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

### ARTICLE II

In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability.

<sup>1</sup> See p. 446 for Agreement between the United States and the Republic of China on the status of U.S. Armed Forces in China.

## ARTICLE III

The Parties undertake to strengthen their free institutions and to cooperate with each other in the development of economic progress and social well-being and to further their individual and collective efforts towards these ends.

## ARTICLE IV

The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty.

## ARTICLE V

Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

## ARTICLE VI

For the purposes of Articles II and V, the terms "territorial" and "territories" shall mean in respect of the Republic of China, Taiwan and the Pescadores; and in respect of the United States of America, the island territories in the West Pacific under its jurisdiction. The provisions of Articles II and V will be applicable to such other territories as may be determined by mutual agreement.

## ARTICLE VII

The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement.

## ARTICLE VIII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

## ARTICLE IX

This Treaty shall be ratified by the United States of America and the Republic of China in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Taipei.

## ARTICLE X

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

**Statements by and Exchange of Notes Between Secretary of State John Foster Dulles and Foreign Minister George K. C. Yeh Upon the Occasion of the Signing of the Mutual Defense Treaty Between the United States of America and the Republic of China at Washington**

STATEMENTS MADE DECEMBER 2, 1954

Secretary Dulles:

It is a great pleasure to welcome Foreign Minister Yeh, Ambassador Koo, and the members of his staff here this afternoon for the signing of this Mutual Defense Treaty between the United States and the Republic of China. I wholly concur in what President Chiang Kai-shek said in his message to me yesterday, that "a necessary link in the chain of Far Eastern defense has now been forged." It is my hope that the signing of this Defense Treaty will put to rest once and for all rumors and reports that the United States will in any manner agree to the abandonment of Formosa and the Pescadores to Communist control. The signing of this treaty is not only an expression of the good will and friendship existing between the Governments of the United States and of Free China, but also of the abiding friendship of the people of the United States for the Chinese people.

Foreign Minister Yeh:

It has been my privilege and honor to be associated with Mr. Dulles in the making and signing of this Treaty of Mutual Defense between my country and the United States of America. I am happy to recall that throughout the negotiations for this treaty, conducted at Taipei and Washington, we have been guided by the principle of mutuality and the spirit of friendly cooperation.

It is the hope of my Government that this treaty will serve to promote the common cause of freedom, particularly at this juncture of the world situation.

EXCHANGE OF NOTES

DEPARTMENT OF STATE,  
*Washington, December 10, 1954.*

His Excellency GEORGE K. C. YEH,  
*Minister of Foreign Affairs of the Republic of China.*

EXCELLENCY: I have the honor to refer to recent conversations between representatives of our two Governments and to confirm the understandings reached as a result of those conversations, as follows:

The Republic of China effectively controls both the territory described in Article VI of the Treaty of Mutual Defense between the Republic of China and the United States of America signed on December 2, 1954, at Washington and other territory. It possesses with respect to all territory now and hereafter under its control the inherent

right of self-defense. In view of the obligations of the two Parties under the said Treaty, and of the fact that the use of force from either of these areas by either of the Parties affects the other, it is agreed that such use of force will be a matter of joint agreement, subject to action of an emergency character which is clearly an exercise of the inherent right of self-defense. Military elements which are a product of joint effort and contribution by the two Parties will not be removed from the territories described in Article VI to a degree which would substantially diminish the defensibility of such territories without mutual agreement.

Accept, Excellency, the assurances of my highest consideration.

/s/ JOHN FOSTER DULLES,  
*Secretary of State of the United States of America.*

---

DECEMBER 10, 1954.

His Excellency JOHN FOSTER DULLES,  
*Secretary of State of the United States of America.*

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honor to refer to recent conversations between representatives of our two Governments and to confirm the understandings reached as a result of those conversations, as follows:

"The Republic of China effectively controls both the territory described in Article VI of the Treaty of Mutual Defense between the Republic of China and the United States of America signed on December 2, 1954, at Washington and other territory. It possesses with respect to all territory now and hereafter under its control the inherent right of self-defense. In view of the obligations of the two Parties under the said Treaty and of the fact that the use of force from either of these areas by either of the Parties affects the other, it is agreed that such use of force will be a matter of joint agreement, subject to action of an emergency character which is clearly an exercise of the inherent right of self-defense. Military elements which are a product of joint effort and contribution by the two Parties will not be removed from the territories described in Article VI to a degree which would substantially diminish the defensibility of such territories without mutual agreement."

I have the honor to confirm, on behalf of my Government, the understanding set forth in Your Excellency's Note under reply.

I avail myself of this opportunity to convey to Your Excellency the assurances of my highest consideration.

GEORGE K. C. YEH,  
*Minister for Foreign Affairs of the Republic of China.*

## CHARTER OF THE UNITED NATIONS, AS AMENDED

Signed at San Francisco June 26, 1945; Ratification advised by the Senate of the United States of America July 28, 1945; Ratified by the President of the United States of America August 8, 1945, and Ratification deposited August 8, 1945; Proclaimed by the President of the United States of America October 31, 1945; Entered into force October 24, 1945

Amendments to Articles 23, 27, and 61 were adopted by the General Assembly on December 17, 1963, and entered into force August 31, 1965. An amendment to Article 109 was adopted by the General Assembly December 20, 1965 and entered into force June 12, 1968.

For list of members, see page 131

We the peoples of the United Nations determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom, and for these ends

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

have resolved to combine our efforts to accomplish these aims.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and to hereby establish an international organization to be known as the United Nations.

### CHAPTER I—PURPOSES AND PRINCIPLES

#### ARTICLE 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and

removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

#### ARTICLE 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

### CHAPTER II—MEMBERSHIP

#### ARTICLE 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on

International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

## ARTICLE 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

## ARTICLE 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

## ARTICLE 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

## CHAPTER III—ORGANS

## ARTICLE 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

## ARTICLE 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

## CHAPTER IV—THE GENERAL ASSEMBLY

*Composition*

## ARTICLE 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

*Functions and Powers*

ARTICLE 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

ARTICLE 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

ARTICLE 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;
  - b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.
2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

## ARTICLE 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

## ARTICLE 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

## ARTICLE 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

## ARTICLE 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

*Voting*

## ARTICLE 18

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the

non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

#### ARTICLE 19

A member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

#### *Procedure*

#### ARTICLE 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

#### ARTICLE 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

#### ARTICLE 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

### CHAPTER V—THE SECURITY COUNCIL

#### *Composition*

#### ARTICLE 23<sup>1</sup>

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, and the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in

<sup>1</sup> Articles 23, 27, and 61 were amended in accordance with a resolution adopted by the General Assembly on December 17, 1963. Article 23 was amended to increase the membership in the Security Council from 11 to 15. (See p. 128.)

the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

#### *Functions and Powers*

##### ARTICLE 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

##### ARTICLE 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

##### ARTICLE 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

#### *Voting*

##### ARTICLE 27<sup>2</sup>

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under

<sup>2</sup> Articles 23, 27, and 61 were amended in accordance with a resolution adopted by the General Assembly on December 17, 1963. Article 27 was amended to provide that Security Council decisions should be made by an affirmative vote of 9 members instead of 7. (See p. 128.)

Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

*Procedure*

ARTICLE 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

ARTICLE 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

ARTICLE 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

ARTICLE 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any questions brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

ARTICLE 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI—PACIFIC SETTLEMENT OF DISPUTES

ARTICLE 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

## ARTICLE 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

## ARTICLE 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

## ARTICLE 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

## ARTICLE 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

## ARTICLE 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII—ACTION WITH RESPECT TO THREATS TO THE PEACE,  
BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

## ARTICLE 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

## ARTICLE 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

## ARTICLE 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

## ARTICLE 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

## ARTICLE 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

## ARTICLE 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

## ARTICLE 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

## ARTICLE 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

## ARTICLE 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

## ARTICLE 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

## ARTICLE 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

## ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to solution of those problems.

## ARTICLE 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

## CHAPTER VIII—REGIONAL ARRANGEMENTS

## ARTICLE 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

## ARTICLE 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for

pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

## ARTICLE 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## CHAPTER IX—INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

## ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

## ARTICLE 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

## ARTICLE 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

## ARTICLE 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

## ARTICLE 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

## ARTICLE 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

## CHAPTER X—THE ECONOMIC AND SOCIAL COUNCIL

*Composition*ARTICLE 61<sup>3</sup>

1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

*Functions and Powers*

## ARTICLE 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

<sup>3</sup> Articles 23, 27, and 61 were amended in accordance with a resolution adopted by the General Assembly on December 17, 1963. Article 61 was amended to increase the ECOSOC membership from 18 to 27 and to increase number of members elected each year from 6 to 9. (See p. 128.)

## ARTICLE 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

## ARTICLE 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

## ARTICLE 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

## ARTICLE 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

*Voting*

## ARTICLE 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

*Procedure*

## ARTICLE 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

## ARTICLE 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

## ARTICLE 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

## ARTICLE 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

## ARTICLE 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI—DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

## ARTICLE 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when

and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

#### ARTICLE 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

### CHAPTER XII—INTERNATIONAL TRUSTEESHIP SYSTEM

#### ARTICLE 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

#### ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

## ARTICLE 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

## ARTICLE 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

## ARTICLE 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

## ARTICLE 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

## ARTICLE 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

## ARTICLE 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

## ARTICLE 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

## ARTICLE 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

## ARTICLE 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

## CHAPTER XIII—THE TRUSTEESHIP COUNCIL

*Composition*

## ARTICLE 86

1. Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

*Functions and Powers*

## ARTICLE 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

## ARTICLE 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

*Voting*

## ARTICLE 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

*Procedure*

## ARTICLE 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## ARTICLE 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

## CHAPTER XIV—THE INTERNATIONAL COURT OF JUSTICE

## ARTICLE 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

## ARTICLE 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

## ARTICLE 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

## ARTICLE 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

## ARTICLE 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

## CHAPTER XV—THE SECRETARIAT

## ARTICLE 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

## ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

## ARTICLE 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

## ARTICLE 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

## ARTICLE 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

## CHAPTER XVI—MISCELLANEOUS PROVISIONS

## ARTICLE 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

## ARTICLE 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

## ARTICLE 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

## ARTICLE 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## CHAPTER XVII—TRANSITIONAL SECURITY ARRANGEMENTS

## ARTICLE 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

## ARTICLE 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

## CHAPTER XVIII—AMENDMENTS

## ARTICLE 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

## ARTICLE 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly by a vote of any nine<sup>4</sup> members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

<sup>4</sup> This was raised from "seven" to "nine" by an amendment adopted by the United Nations General Assembly (Resolution 2101 (XX)—see p. 131) December 20, 1965, and entered into force June 12, 1968.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

#### CHAPTER XIX—RATIFICATION AND SIGNATURE

##### ARTICLE 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratification shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory of the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

##### ARTICLE 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

---

#### **Resolutions to amend articles 23, 27, and 61 of the United Nations Charter**

Adopted by the General Assembly of the United Nations December 17, 1963; Ratification advised by the Senate of the United States of America June 3, 1965; Ratified by the President of the United States of America June 11, 1965; Ratification of the United States of America deposited with the Secretary-General of the United Nations August 31, 1965; Proclaimed by the President of the

United States of America September 13, 1965; Entered into force August 31, 1965.

## A

*The General Assembly,*

*Considering* that the present composition of the Security Council is inequitable and unbalanced,

*Recognizing* that the increase in the membership of the United Nations makes it necessary to enlarge the membership of the Security Council, thus providing for a more adequate geographical representation of non-permanent members and making it a more effective organ for carrying out its functions under the Charter of the United Nations,

*Bearing in mind* the conclusions and recommendations of the Committee on arrangements for a conference for the purpose of reviewing the Charter,

1. *Decides* to adopt, in accordance with Article 108 of the Charter of the United Nations the following amendments to the Charter and to submit them for ratification by the States Members of the United Nations:

(a) In Article 23, paragraph 1, the word "eleven" in the first sentence shall be replaced by the word "fifteen", and the word "six" in the third sentence by the word "ten";

(b) In Article 23, paragraph 2, the second sentence shall then be reworded as follows:

"In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year.";

(c) In Article 27, paragraph 2, the word "seven" shall be replaced by the word "nine";

(d) In Article 27, paragraph 3, the word "seven" shall be replaced by the word "nine";

2. *Calls upon* all Member States to ratify the above amendments in accordance with their respective constitutional processes by 1 September 1965;

3. *Further decides* that the ten non-permanent members of the Security Council shall be elected according to the following pattern:

(a) Five from African and Asian States;

(b) One from Eastern European States;

(c) Two from Latin American States;

(d) Two from Western European and other States.

*1285th plenary meeting,  
17 December 1963.*

## B

*The General Assembly,*

*Recognizing* that the increase in the membership of the United Nations makes it necessary to enlarge the membership of the Economic and Social Council, with a view to providing for a more adequate geographical representation therein, and making it a more effective organ for carrying out its function under Chapters IX and X of the Charter of the United Nations.

*Recalling* Economic and Social Council resolutions 974 B and C (XXXVI) of 22 July 1963,

*Bearing in mind* the conclusions and recommendations of the Committee on arrangements for a conference for the purpose of reviewing the Charter,

1. *Decides* to adopt, in accordance with Article 108 of the Charter of the United Nations, the following amendment to the Charter and to submit it for ratification by the Member States of the United Nations:

“Article 61

“1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

“2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

“3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

“4. Each member of the Economic and Social Council shall have one representative.”

2. *Calls upon* all Member States to ratify the above amendment in accordance with their respective constitutional processes by 1 September 1965;

3. *Further decides* that, without prejudice to the present distribution of seats in the Economic and Social Council, the nine additional members shall be elected according to the following pattern:

- (a) Seven from African and Asian States;
- (b) One from Latin American States;
- (c) One from Western European and other States.

*1285th plenary meeting,  
17 December 1963.*

---

**Resolution 2101 (XX) to amend Article 109 of the Charter of the United Nations**

Adopted by the General Assembly of the United Nations December 20, 1965; Ratification advised by the Senate of the United States of America May 8, 1967; Ratified by the President of the United States of America May 15, 1967; Ratification of the United States of America deposited with the Secretary-General of the United Nations May 31, 1967; Proclaimed by the President of the United States of America July 10, 1968; Entered into force June 12, 1968.

*The General Assembly,*

*Considering* that the Charter of the United Nations has been amended to provide that the membership of the Security Council, as provided in Article 23, should be increased from eleven to fifteen and that decisions of the Security Council should be taken, as provided in Article 27, by an affirmative vote of nine members instead of seven,

*Considering* that these amendments make it necessary also to amend Article 109 of the Charter,

1. *Decides* to adopt, in accordance with Article 108 of the Charter of the United Nations, the following amendment to the Charter and to submit it for ratification by the States Members of the United Nations:

In Article 109, paragraph 1, the word "seven" in the first sentence shall be replaced by the word "nine";

2. *Calls upon* all Member States to ratify the above amendment, in accordance with their respective constitutional processes, at the earliest possible date.

*1404th plenary meeting,  
20 December 1965.*

---

### Members of the United Nations

On April 15, 1969, the United Nations had 126 members.

The original members of the United Nations are the following fifty-one nations which took part in the San Francisco Conference or had previously signed the United Nations Declaration of January 1, 1942, and which signed and ratified the Charter:

Argentine Republic	France	Peru
Australia	Greece	Philippine Republic
Belgium	Guatemala	Poland
Bolivia	Haiti	Saudi Arabia
Brazil	Honduras	South Africa
Byelorussian S.S.R.	India	Syria <sup>1</sup>
Canada	Iran	Turkey
Chile	Iraq	Ukrainian S.S.R.
China	Lebanon	U.S.S.R.
Colombia	Liberia	United Arab Republic
Costa Rica	Luxembourg	(Egypt)
Cuba	Mexico	United Kingdom
Czechoslovakia	Netherlands	United States
Denmark	New Zealand	Uruguay
Dominican Republic	Nicaragua	Venezuela
Ecuador	Norway	Yugoslavia
El Salvador	Panama	
Ethiopia	Paraguay	

<sup>1</sup> Egypt and Syria were original members of the United Nations from October 24, 1945. Following a plebescite held on February 21, 1958, the United Arab Republic was established by a union of Egypt and Syria, and continued as a single member of the United Nations. On October 13, 1961, Syria, having resumed its status as an independent State, resumed its separate membership in the organization.

New members are admitted by a two-thirds vote of the General Assembly upon the recommendation of at least nine members of the Security Council, including its permanent members.

The following new members were admitted from the date of its inception through April 15, 1969:

- November 19, 1946: Afghanistan; Iceland; Sweden.
- December 16, 1946: Thailand.
- September 30, 1947: Pakistan; Yemen.
- April 19, 1948: Burma.
- May 11, 1949: Israel.
- September 28, 1950: Indonesia.<sup>2</sup>
- December 14, 1955: Albania; Austria; Bulgaria; Cambodia; Ceylon; Finland; Hungary; Ireland; Italy; Jordan; Laos; Libya; Nepal; Portugal; Rumania; Spain.
- November 12, 1956: Morocco; Sudan; Tunisia.
- December 18, 1956: Japan.
- March 8, 1957: Ghana.
- September 17, 1957: Malaysia.
- December 12, 1958: Guinea.
- September 20, 1960: Cameroon; Central African Republic; Chad; Congo (Brazzaville); Congo (Kinshasa); Cyprus; Dahomey; Gabon; Ivory Coast; Malagasy Republic; Niger; Somali Republic; Togo; Upper Volta.
- September 28, 1960: Mali; Senegal.
- October 7, 1960: Nigeria.
- September 27, 1961: Sierra Leone; Syria (resumed).
- October 27, 1961: Outer Mongolia; Mauritania.
- December 14, 1961: Tanzania.<sup>3</sup>
- September 18, 1962: Jamaica; Trinidad and Tobago; Burundi; Rwanda.
- October 8, 1962: Algeria.
- October 25, 1962: Uganda.
- May 14, 1963: Kuwait.
- December 16, 1963: Kenya.
- December 1, 1964: Malawi, Malta, Zambia.
- September 21, 1965: Gambia, Maldives, Singapore.
- September 21, 1966: Guyana.
- October 17, 1966: Botswana; Lesotho.
- December 9, 1966: Barbados.
- December 14, 1967: South Yemen.
- April 24, 1968: Mauritius.
- September 24, 1968: Swaziland.
- November 12, 1968: Equatorial Guinea.

<sup>2</sup> Indonesia ceased to participate in United Nations activities effective March 1, 1965. It resumed full participation effective September 28, 1966.

<sup>3</sup> Tanganyika was a member of the United Nations from December 14, 1961, and Zanzibar was a member from December 18, 1963. Following the ratification on April 26, 1964, of the Articles of Union between Tanganyika and Zanzibar, the United Republic of Tanganyika and Zanzibar continued as a single member of the United Nations, later changing its name to the United Republic of Tanzania.

## TEXTS OF TREATIES TO WHICH THE UNITED STATES IS NOT A PARTY

---

### TREATY OF ECONOMIC, SOCIAL AND CULTURAL COLLABORATION AND COLLECTIVE SELF-DEFENSE BETWEEN GREAT BRITAIN AND NORTHERN IRELAND, BELGIUM, FRANCE, LUXEMBOURG, AND THE NETHERLANDS (BRUSSELS TREATY)<sup>1</sup>

Signed at Brussels March 17, 1948; Entered into force August 25, 1948; Ratified by the Kingdom of Belgium, France, the Grand Duchy of Luxembourg, the Kingdom of Netherlands, and the United Kingdom of Great Britain and Northern Ireland

Acceded to by the Federal Republic of Germany and Italy

His Royal Highness the Prince Regent of Belgium, the President of the French Republic, President of the French Union, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands and His Majesty The King of Great Britain, Northern Ireland and the British Dominions beyond the Seas,

Resolved

To reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the other ideals proclaimed in the Charter of the United Nations;

To fortify and preserve the principles of democracy, personal freedom and political liberty, the constitutional traditions and the rule of law, which are their common heritage;

To strengthen, with these aims in view, the economic, social and cultural ties by which they are already united;

To co-operate loyally and to co-ordinate their efforts to create in Western Europe a firm basis for European economic recovery;

To afford assistance to each other, in accordance with the Charter of the United Nations, in maintaining international peace and security and in resisting any policy of aggression;

To take such steps as may be held to be necessary in the event of a renewal by Germany of a policy of aggression;

To associate progressively in the pursuance of these aims other States inspired by the same ideals and animated by the like determination;

Desiring for these purposes to conclude a treaty for collaboration in economic, social and cultural matters and for collective self-defence;

<sup>1</sup> See Protocol Modifying and Completing the Brussels Treaty, p. 136 below, for modifications of this treaty.

Have appointed as their Plenipotentiaries:

\* \* \* \* \*

who, having exhibited their full powers found in good and due form, have agreed as follows:

#### ARTICLE I

Convinced of the close community of their interests and of the necessity of uniting in order to promote the economic recovery of Europe, the High Contracting Parties will so organize and coordinate their economic activities as to produce the best possible results, by the elimination of conflict in their economic policies, the co-ordination of production and the development of commercial exchanges.

The co-operation provided for in the preceding paragraph, which will be effected through the Consultative Council referred to in Article VII as well as through other bodies, shall not involve any duplication of, or prejudice to, the work of other economic organizations in which the High Contracting Parties are or may be represented but shall on the contrary assist the work of those organizations.

#### ARTICLE II

The High Contracting Parties will make every effort in common, both by direct consultation and in specialized agencies, to promote the attainment of a higher standard of living by their peoples and to develop on corresponding lines the social and other related services of their countries.

The High Contracting Parties will consult with the object of achieving the earliest possible application of recommendations of immediate practical interest, relating to social matters, adopted with their approval in the specialized agencies.

They will endeavor to conclude as soon as possible conventions with each other in the sphere of social security.

#### ARTICLE III

The High Contracting Parties will make every effort in common to lead their peoples towards a better understanding of the principles which form the basis of their common civilization and to promote cultural exchanges by conventions between themselves or by other means.

#### ARTICLE IV

If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the party so attacked all the military and other aid and assistance in their power.

#### ARTICLE V

All measures taken as a result of the preceding Article shall be immediately reported to the Security Council. They shall be terminated as soon as the Security Council has taken the measures necessary to maintain or restore international peace and security.

The present Treaty does not prejudice in any way the obligations of the High Contracting Parties under the provisions of the Charter of the United Nations. It shall not be interpreted as affecting in any way the authority and responsibility of the Security Council under the Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

## ARTICLE VI

The High Contracting Parties declare, each so far as he is concerned, that none of the international engagements now in force between him and any other of the High Contracting Parties or any third State is in conflict with the provisions of the present Treaty.

None of the High Contracting Parties will conclude any alliance or participate in any coalition directed against any other of the High Contracting Parties.

## ARTICLE VII

For the purpose of consulting together on all the questions dealt with in the present Treaty, the High Contracting Parties will create a Consultative Council, which shall be so organized as to be able to exercise its functions continuously. The Council shall meet at such times as it shall deem fit.

At the request of any of the High Contracting Parties, the Council shall be immediately convened in order to permit the High Contracting Parties to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise; with regard to the attitude to be adopted, and the steps to be taken in case of a renewal by Germany of an aggressive policy; or with regard to any situation constituting a danger to economic stability.

## ARTICLE VIII

In pursuance of their determination to settle disputes only by peaceful means, the High Contracting Parties will apply to disputes between themselves the following provisions:

The High Contracting Parties will, while the present Treaty remains in force, settle all disputes falling within the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice by referring them to the Court, subject only, in the case of each of them, to any reservation already made by that Party when accepting this clause for compulsory jurisdiction to the extent that that Party may maintain the reservation.

In addition, the High Contracting Parties will submit to conciliation all disputes outside the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice.

In the case of a mixed dispute involving both questions for which conciliation is appropriate and other questions for which judicial settlement is appropriate, any Party to the dispute shall have the right to insist that the judicial settlement of the legal questions shall precede conciliation.

The preceding provisions of this Article in no way affect the application of relevant provisions or agreements prescribing some other method of pacific settlement.

## ARTICLE IX

The High Contracting Parties may, by agreement, invite any other State to accede to the present Treaty on conditions to be agreed between them and the State so invited.

Any State so invited may become a Party to the Treaty by depositing an instrument of accession with the Belgian Government.

The Belgian Government will inform each of the High Contracting Parties of the deposit of each instrument of accession.

## ARTICLE X

The present Treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Belgian Government.

It shall enter into force on the date of the deposit of the last instrument of ratification and shall thereafter remain in force for fifty years.

After the expiry of the period of fifty years, each of the High Contracting Parties shall have the right to cease to be a party thereto provided that he shall have previously given one year's notice of denunciation to the Belgian Government.

The Belgian Government shall inform the Governments of the other High Contracting Parties of the deposit of each instrument of ratification and of each notice of denunciation.

---

**Protocol Modifying and Completing the Brussels Treaty**

Signed at Paris October 23, 1954; Entered into force May 6, 1955; Ratified by the Kingdom of Belgium, France, the Federal Republic of Germany, Italy, the Grand Duchy of Luxembourg, the Kingdom of Netherlands, and the United Kingdom of Great Britain and Northern Ireland

His Majesty, the King of the Belgians, the President of the French Republic, President of the French Union, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands and Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Parties to the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, signed at Brussels on March 17th, 1948, hereinafter referred to as the Treaty, on the one hand,

and the President of the Federal Republic of Germany and the President of the Italian Republic on the other hand,

Inspired by a common will to strengthen peace and security;

Desirous to this end of promoting the unity and of encouraging the progressive integration of Europe;

Convinced that the accession of the Federal Republic of Germany and the Italian Republic to the Treaty will represent a new and substantial advance toward these aims;

Having taken into consideration the decisions of the London Conference as set out in the Final Act of October the 3rd, 1954, and its Annexes;

Have appointed as their Plenipotentiaries:—

\* \* \* \* \*

Who, having exhibited their full powers found in good and due form,

Have agreed as follows:

#### ARTICLE I

The Federal Republic of Germany and the Italian Republic hereby accede to the Treaty as modified and completed by the present Protocol.

The High Contracting Parties to the present Protocol consider the Protocol on Forces of Western European Union (hereinafter referred to as Protocol No. II), the Protocol on the Control of Armaments and its Annexes (hereinafter referred to as Protocol No. III), and the Protocol on the Agency of Western European Union for the Control of Armaments (hereinafter referred to as Protocol No. IV) to be an integral part of the present Protocol.

#### ARTICLE II

The sub-paragraph of the Preamble to the Treaty: "to take such steps as may be held necessary in the event of renewal by Germany of a policy of aggression" shall be modified to read: "to promote the unity and to encourage the progressive integration of Europe."

The opening words of the 2nd paragraph of Article I shall read: "The co-operation provided for in the preceding paragraph, which will be effected through the Council referred to in Article VIII. . . ."

#### ARTICLE III

The following new Article shall be inserted in the Treaty as Article IV:

"In the execution of the Treaty the High Contracting Parties and any organs established by Them under the Treaty shall work in close co-operation with the North Atlantic Treaty Organization.

"Recognizing the undesirability of duplicating the Military Staffs of NATO, the Council and its agency will rely on the appropriate Military Authorities of NATO for information and advice on military matters."

Articles IV, V, VI and VII of the Treaty will become respectively Articles V, VI, VII and VIII.

#### ARTICLE IV

"Article VIII of the Treaty (formerly Article VII) shall be modified to read as follows:—

"1. For the purposes of strengthening peace and security and of promoting unity and of encouraging the progressive integration of Europe and closer co-operation between Them and with other European organizations, the High Contracting Parties to the Brussels Treaty shall create a Council to consider matters concerning the execution of this Treaty and of its Protocols and their Annexes.

"2. This Council shall be known as the 'Council of Western European Union'; it shall be so organized as to be able to exercise

its functions continuously; it shall set up such subsidiary bodies as may be considered necessary; in particular it shall establish immediately an Agency for the Control of Armaments whose functions are defined in Protocol No. IV.

“3. At the request of any of the High Contracting Parties the Council shall be immediately convened in order to permit Them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability.

“4. The Council shall decide by unanimous vote questions for which no other voting procedure has been or may be agreed. In the cases provided for in Protocols II, III and IV it will follow the various voting procedures, unanimity, two-thirds majority, simple majority, laid down therein. It will decide by simple majority questions submitted to it by the Agency for the Control of Armaments.”

#### ARTICLE V

A new Article shall be inserted in the Treaty as Article IX: “The Council of Western European Union shall make an Annual Report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe.”

The Articles VIII, IX and X of the Treaty shall become respectively Articles X, XI and XII.

#### ARTICLE VI

The present Protocol and the other Protocols listed in Article I above shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Belgian Government.

They shall enter into force when all instruments of ratification of the present Protocol have been deposited with the Belgian Government and the instrument of accession of the Federal Republic of Germany to the North Atlantic Treaty has been deposited with the Government of the United States of America.

The Belgian Government shall inform the Governments of the other High Contracting Parties and the Government of the United States of America of the deposit of each instrument of ratification.

---

### **Protocol No. II on Forces of Western European Union**

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, and Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty,

Having consulted the North Atlantic Council,  
Have appointed as their Plenipotentiaries:—

\* \* \* \* \*

Have agreed as follows:—

ARTICLE 1

1. The land and air forces which each of the High Contracting Parties to the present Protocol shall place under the Supreme Allied Commander, Europe, in peacetime on the mainland of Europe shall not exceed in total strength and number of formations:

(a) for Belgium, France, the Federal Republic of Germany, Italy, and the Netherlands, the maxima laid down for peacetime in the Special Agreement annexed to the Treaty on the Establishment of a European Defense Community signed at Paris, on May 27, 1952; and

(b) for the United Kingdom, four divisions and the Second Tactical Air Force;

(c) for Luxembourg, one regimental combat team.

2. The number of formations mentioned in paragraph 1 may be brought up to date and adapted as necessary to make them suitable for the North Atlantic Treaty Organization, provided that the equivalent fighting capacity and total strengths are not exceeded.

3. The statement of these maxima does not commit any of the High Contracting Parties to build up or maintain forces at these levels, but maintains their right to do so if required.

ARTICLE 2

As regards naval forces, the contribution to NATO Commands of each of the High Contracting Parties to the present Protocol shall be determined each year in the course of the Annual Review (which takes into account the recommendations of the NATO military authorities). The naval forces of the Federal Republic of Germany shall consist of the vessels and formations necessary for the defensive missions assigned to it by the North Atlantic Treaty Organization within the limits laid down in the Special Agreement mentioned in Article 1, or equivalent fighting capacity.

ARTICLE 3

If at any time during the Annual Review recommendations are put forward the effect of which would be to increase the level of forces above the limits specified in Articles 1 and 2, the acceptance by the country concerned of such recommended increases shall be subject to the unanimous approval of the High Contracting Parties to the present Protocol expressed either in the Council of Western European Union or in the North Atlantic Treaty Organization.

ARTICLE 4

In order that it may establish that the limits specified in Articles 1 and 2 are being observed, the Council of Western European Union will regularly receive information acquired as a result of inspections carried out by the Supreme Allied Commander Europe. Such information will be transmitted by a high-ranking officer designated for the purpose by the Supreme Allied Commander Europe.

## ARTICLE 5

The strength and armaments of the internal defense and police forces on the mainland of Europe of the High Contracting Parties to the present Protocol shall be fixed by agreements<sup>1</sup> within the Organization of Western European Union, having regard to their proper functions and needs and to their existing levels.

## ARTICLE 6

Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland will continue to maintain on the mainland of Europe, including Germany, the effective strength of the United Kingdom forces which are now assigned to the Supreme Allied Commander Europe, that is to say, four divisions and the Second Tactical Air Force, or such other forces as the Supreme Allied Commander Europe regards as having equivalent fighting capacity. Her Majesty undertakes not to withdraw these forces against the wishes of the majority of the High Contracting Parties who should take their decision in the knowledge of the views of the Supreme Allied Commander Europe. This undertaking shall not, however, bind Her Majesty in the event of an acute overseas emergency. If the maintenance of the United Kingdom forces on the mainland of Europe throws at any time too great a strain on the external finances of the United Kingdom, Her Majesty will, through Her Government in the United Kingdom of Great Britain and Northern Ireland, invite the North Atlantic Council to review the financial conditions on which the United Kingdom formations are maintained.

---

**Protocol No. III on the Control of Armaments**

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty.

Have appointed as their plenipotentiaries:—

\* \* \* \* \*

Have agreed as follows:—

PART I.—ARMAMENTS NOT TO BE MANUFACTURED

## ARTICLE 1

The High Contracting Parties, members of Western European Union, take note of and record their agreement with the Declaration of the Chancellor of the Federal Republic of Germany (made in London on October 3, 1954, and annexed hereto as Annex I) in which the Federal Republic of Germany undertook not to manufacture in its

<sup>1</sup> See p. 149 for text of agreement drawn up in implementation of this article.

territory atomic, biological and chemical weapons. The types of armaments referred to in this Article are defined in Annex II. These armaments shall be made closely defined and the definitions brought up to date by the Council of Western European Union.

## ARTICLE 2

The High Contracting Parties, members of Western European Union, also take note of and record their agreement with the undertaking given by the Chancellor of the Federal Republic of Germany in the same Declaration that certain further types of armaments will not be manufactured in the territory of the Federal Republic of Germany, except that if in accordance with the needs of the armed forces a recommendation for an amendment to, or cancellation of, the content of the list of these armaments is made by the competent Supreme Commander of the North Atlantic Treaty Organization, and if the Government of the Federal Republic of Germany submits a request accordingly, such an amendment or cancellation may be made by a resolution of the Council of Western European Union passed by a two-thirds majority. The types of armaments referred to in this Article are listed in Annex III.

## PART II.—ARMAMENTS TO BE CONTROLLED

## ARTICLE 3

When the development of atomic, biological, and chemical weapons in the territory on the mainland of Europe of the High Contracting Parties who have not given up the right to produce them has passed the experimental stage and effective production of them has started there, the level of stocks that the High Contracting Parties concerned will be allowed to hold on the mainland of Europe shall be decided by a majority vote of the Council of Western European Union.

## ARTICLE 4

Without prejudice to the foregoing Articles, the types of armaments listed in Annex IV will be controlled to the extent and in the manner laid down in Protocol No. IV.

## ARTICLE 5

The Council of Western European Union may vary the list in Annex IV by unanimous decision.

## ANNEX I

The Federal Chancellor declares:

that the Federal Republic undertakes not to manufacture in its territory any atomic weapons, chemical weapons or biological weapons, as detailed in paragraphs I, II and III of the attached list:<sup>2</sup>

that it undertakes further not to manufacture in its territory such weapons as those detailed in paragraphs IV, V and VI of

<sup>2</sup> Reproduced in Annex II following.

the attached list.<sup>3</sup> Any amendment to or cancellation of the substance of paragraphs IV, V and VI can, on the request of the Federal Republic, be carried out by a resolution of the Brussels Council of Ministers by a two-thirds majority, if in accordance with the needs of the armed forces a request is made by the competent Supreme Commander of the North Atlantic Treaty Organization;

that the Federal Republic agrees to supervision by the competent authority of the Brussels Treaty Organization to ensure that these undertakings are observed.

## ANNEX II

This list comprises the weapons defined in paragraphs I to III and the factories earmarked solely for their production. All apparatus, parts, equipment, installations, substances and organisms, which are used for civilian purposes or for scientific, medical and industrial research in the fields of pure and applied science shall be excluded from this definition.

### I.—*Atomic Weapons*

(a) An atomic weapon is defined as any weapon which contains, or is designed to contain or utilize, nuclear fuel or radioactive isotopes and which, by explosion or other uncontrolled nuclear transformation of the nuclear fuel, or by radioactivity of the nuclear fuel or radioactive isotopes, is capable of mass destruction, mass injury, or mass poisoning.

(b) Furthermore, any part, device, assembly, or material especially designed for, or primarily useful in, any weapon as set forth under paragraph (a), shall be deemed to be an atomic weapon.

(c) Nuclear fuel as used in the preceding definition includes plutonium, Uranium 233, Uranium 235 (including Uranium 235 contained in Uranium enriched to over 2.1 percent by weight of Uranium 235), and any other material capable of releasing substantial quantities of atomic energy through nuclear fission or fusion or other nuclear reaction of the material. The foregoing materials shall be considered to be nuclear fuel regardless of the chemical or physical form in which they exist.

### II.—*Chemical Weapons*

(a) A chemical weapon is defined as any equipment or apparatus expressly designed to use, for military purposes, the asphyxiating, toxic, irritant, paralyzant, growth-regulating, anti-lubricating, or catalysing properties of any chemical substance.

(b) Subject to the provisions of paragraph (c), chemical substances, having such properties and capable of being used in the equipment or apparatus referred to in paragraph (a), shall be deemed to be included in this definition.

(c) Such apparatus and such quantities of the chemical substances as are referred to in paragraphs (a) and (b) which do not exceed peaceful civilian requirements shall be deemed to be excluded from this definition.

<sup>3</sup> Reproduced in Annex III following.

### III.—*Biological Weapons*

(a) A biological weapon is defined as any equipment or apparatus expressly designed to use, for military purposes, harmful insects or other living or dead organisms, or their toxic products.

(b) Subject to the provisions of paragraph (c), insects, organisms, and their toxic products of such nature and in such amounts as to make them capable of being used in the equipment or apparatus referred to in (a) shall be deemed to be included in this definition.

(c) Such equipment or apparatus and such quantities of the insects, organisms, and their toxic products as are referred to in paragraphs (a) and (b) which do not exceed peaceful civilian requirements shall be deemed to be excluded from the definition of biological weapons.

### ANNEX III

This list comprises the weapons defined in paragraphs IV to VI and the factories earmarked solely for their production. All apparatus, parts, equipment, installations, substances and organisms, which are used for civilian purposes or for scientific, medical, and industrial research in the fields of pure and applied science shall be excluded from this definition.

#### IV.—*Long-range Missiles and Guided Missiles*<sup>4</sup>

(a) Subject to the provisions of paragraphs (c) and (d),<sup>4</sup> long-range missiles and guided missiles are defined as missiles such that the speed or direction of motion can be influenced after the instant of launching by a device or mechanism inside or outside the missile, including V-type weapons developed in the recent war and subsequent modifications thereof. Combustion is considered as a mechanism which may influence the speed.

(b) Parts, devices or assemblies specially designed for use in or with the weapons referred to in paragraph (a)<sup>4</sup> shall be deemed to be included in this definition.<sup>4</sup>

(c) Proximity fuses, surface-to-air and air-to-air guided missiles for anti-aircraft defence and air-to-surface guided missiles for tactical defence are regarded as excluded from this definition.<sup>5</sup>

(d) Guided anti-tank missiles are also regarded as excluded from this definition.<sup>6</sup>

#### V.—*Warships, With the Exception of Smaller Ships for Defence Purposes*

“Warships with the exception of smaller ships for defence purposes” are:

(a) Combat vessels of more than 3,000 tons displacement, with the exception of eight destroyers to be equipped with tactical missiles for sea combat, the displacement of which shall not exceed 6,000 tons,<sup>4</sup> and one training ship of 4,800 to 5,000 tons displacement;<sup>7</sup>

(b) Permanent auxiliary vessels of more than 6,000 tons displacement;<sup>4</sup>

(c) Submarines of more than 450 tons displacement,<sup>8</sup> with the exception of six submarines, the displacement of which shall not exceed 1,000 tons;<sup>9</sup>

<sup>4</sup> Amendment of May 24, 1961, and Oct. 2, 1968.

<sup>5</sup> Amendment of Oct. 21, 1959, and Oct. 2, 1968.

<sup>6</sup> Amendment of May 9, 1958.

<sup>7</sup> Amendment of Oct. 16, 1958.

<sup>8</sup> Amendment of Oct. 19, 1962.

<sup>9</sup> Amendment of Oct. 9, 1963.

(d) All warships which are driven by nuclear power.<sup>10</sup>

VI.—*Bomber Aircraft for Strategic Purposes*

ANNEX IV

LIST OF TYPES OF ARMAMENTS TO BE CONTROLLED

1. (a) Atomic
- (b) biological, and
- (c) chemical weapons

In accordance with definitions to be approved by the Council of Western European Union as indicated in Article I of the present Protocol.

2. All guns, howitzers and mortars of any types and of any roles of more than 90 mm. calibre including the following component for these weapons, viz., the elevating mass.

3. All guided missiles.

*Definition:* Guided missiles are such that the speed or direction or motion can be influenced after the instant of launching by a device or mechanism inside or outside the missile; these include V-type weapons developed in the recent war and modifications thereto. Combustion is considered as a mechanism which may influence the speed.

4. Other self-propelled missiles of a weight exceeding 15 kilogrammes in working order.

5. Mines of all types except anti-tank and anti-personnel mines.

6. Tanks, including the following component parts for these tanks, viz.:

- (a) the elevating mass;
- (b) turret castings and/or plate assembly.

7. Other armoured fighting vehicles of an overall weight of more than 10 metric tons.

8. (a) Warships over 1,500 tons displacement;

(b) submarines;

(c) all warships powered by means other than steam, diesel or petrol engines or gas turbines;

(d) small craft capable of a speed of over 30 knots, equipped with offensive armament.

9. Aircraft bombs of more than 1,000 kilogrammes.

10. Ammunition for the weapons described in paragraph 2 above.

11. (a) Complete military aircraft other than:

(i) all training aircraft except operational types used for training purposes;

(ii) military transport and communication aircraft;

(iii) helicopters;

(b) air frames, specifically and exclusively designed for military aircraft except those at (i), (ii) and (iii) above;

(c) jet engines, turbo-propeller engines and rocket motors, when these are the principal motive power.

<sup>10</sup> Amendment of Oct. 2, 1968.

**Protocol No. IV on the Agency of Western European Union for the Control of Armaments**

His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty.

Having agreed in accordance with Article IV of the Protocol Modifying and Completing the Treaty, to establish an Agency for the Control of Armaments,

Have appointed as their plenipotentiaries:—

\* \* \* \* \*

Have agreed as follows:—

PART I.—CONSTITUTION

ARTICLE 1

The Agency for the Control of Armaments (hereinafter referred to as “the Agency”) shall be responsible to the Council of Western European Union (hereinafter referred to as “the Council”). It shall consist of a Director assisted by a Deputy Director, and supported by a staff drawn equitably from nationals of the High Contracting Parties, Members of Western European Union.

ARTICLE 2

The Director and his staff, including any officials who may be put at the disposal of the Agency by States Members, shall be subject to the general administrative control of the Secretary General of Western European Union.

ARTICLE 3

The Director shall be appointed by unanimous decision of the Council for a period of five years and shall not be eligible for re-appointment. He shall be responsible for the selection of his staff in accordance with the principle mentioned in Article 1 and in consultation with the individual States Members concerned. Before filling the posts of Deputy Director and of the Heads of Departments of the Agency, the Director shall obtain from the Council approval of the persons to be appointed.

ARTICLE 4

1. The Director shall submit to the Council, through the Secretary General, a plan for the organization of the Agency. The organization should provide for departments dealing respectively with—

(a) the examination of statistical and budgetary information to be obtained from the members of Western European Union and from the appropriate NATO authorities;

(b) inspections, test checks and visits;

(c) administration.

2. The organization may be modified by decision of the Council.

## ARTICLE 5

The costs of maintaining the Agency shall appear in the budget of Western European Union. The Director shall submit, through the Secretary General, to the Council an annual estimate of these costs.

## ARTICLE 6

Officials of the Agency shall be bound by the full NATO code of security. They shall in no circumstances reveal information obtained in connection with the execution of their official tasks except and only in the performance of their duties toward the Agency.

## PART II.—FUNCTIONS

## ARTICLE 7

1. The tasks of the Agency shall be—

(a) to satisfy itself that the undertakings set out in Protocol No. III not to manufacture certain types of armaments mentioned in Annexes II and III to that Protocol are being observed;

(b) to control, in accordance with Part III of the present Protocol, the level of stocks of armaments of the types mentioned in Annex IV to Protocol No. III held by each member of Western European Union on the mainland of Europe. This control shall extend to production and imports to the extent required to make the control of stocks effective.

2. For the purposes mentioned in paragraph 1 of this Article, the Agency shall—

(a) scrutinize statistical and budgetary information supplied by members of Western European Union and by the NATO authorities;

(b) undertake on the mainland of Europe test checks, visits and inspections at production plants, depots and forces (other than depots or forces under NATO authority);

(c) report to the Council.

## ARTICLE 8

With respect to forces and depots under NATO authority, test checks, visits and inspections shall be undertaken by the appropriate authorities of the North Atlantic Treaty Organization. In the case of the forces and depots under the Supreme Allied Commander Europe, the Agency shall receive notification of the information supplied to the Council through the medium of the high-ranking officer to be designated by him.

## ARTICLE 9

The operation of the Agency shall be confined to the mainland of Europe.

## ARTICLE 10

The Agency shall direct its attention to the production of end-items and components listed in Annexes II, III and IV of Protocol No. III, and not to processes. It shall ensure that materials and products destined for civilian use are excluded from its operations.

## ARTICLE 11

Inspections by the Agency shall not be of a routine character, but shall be in the nature of tests carried out at regular intervals. Such inspections shall be conducted in a spirit of harmony and cooperation. The Director shall propose to the Council detailed regulations for the conduct of the inspections providing, *inter alia*, for due process of law in respect of private interests.

## ARTICLE 12

For their test checks, visits, and inspections the members of the Agency shall be accorded free access on demand to plants and depots and the relevant accounts and documents shall be made available to them. The Agency and national authorities shall cooperate in such checks and inspections and, in particular, national authorities may, at their own request, take part in them.

## PART III.—LEVELS OF STOCKS OF ARMAMENTS

## ARTICLE 13

1. Each member of Western European Union shall, in respect of its forces under NATO authority stationed on the mainland of Europe, furnish annually to the Agency statements of—

- (a) the total quantities of armaments of the types mentioned in Annex IV to Protocol No. III required in relation to its forces;
- (b) the quantities of such armaments currently held at the beginning of the control years;
- (c) the programmes for attaining the total quantities mentioned in (a) by—
  - (i) manufacture in its own territory;
  - (ii) purchase from another country;
  - (iii) end-item aid from another country.

2. Such statements shall also be furnished by each member of Western European Union in respect of its internal defense and police forces and its other forces under national control stationed on the mainland of Europe including a statement of stocks held there for its forces stationed overseas.

3. The statements shall be correlated with the relevant submissions to the North Atlantic Treaty Organization.

## ARTICLE 14

As regards the forces under NATO authority, the Agency shall verify in consultation with the appropriate NATO authorities that the total quantities stated under Article 13 are consistent with the quantities recognized as required by the units of the members concerned under NATO authority, and with the conclusions and data recorded in the documents approved by the North Atlantic Council in connection with the NATO Annual Review.

## ARTICLE 15

As regards internal defense and police forces, the total quantities of their armaments to be accepted as appropriate by the Agency shall be

those notified by the members, provided that they remain within the limits laid down in the further agreements to be concluded by the members of Western European Union on the strength and armaments of the internal defense and police forces on the mainland of Europe.

## ARTICLE 16

As regards other forces remaining under national control, the total quantities of their armaments to be accepted as appropriate by the Agency shall be those notified to the Agency by the members.

## ARTICLE 17

The figures furnished by members for the total quantities of armaments under Articles 15 and 16 shall correspond to the size and mission of the forces concerned.

## ARTICLE 18

The provisions of Articles 14 and 17 shall not apply to the High Contracting Parties and to the categories of weapons covered in Article 3 of Protocol No. III. Stocks of the weapons in question shall be determined in conformity with the procedure laid down in that Article and shall be notified to the Agency by the Council of the Western European Union.

## ARTICLE 19

The figures obtained by the Agency under Articles 14, 15, 16, and 18 shall be reported to the Council as appropriate levels for the current control year for the members of Western European Union. Any discrepancies between the figures stated under Article 13, paragraph 1, and the quantities recognized under Article 14 will also be reported.

## ARTICLE 20

1. The Agency shall immediately report to the Council if inspection, or information from other sources, reveals—

(a) the manufacture of armaments of a type which the member concerned has undertaken not to manufacture;

(b) the existence of stocks of armaments in excess of the figures and quantities ascertained in accordance with Articles 19 and 22.

2. If the Council is satisfied that the infraction reported by the Agency is not of major importance and can be remedied by prompt local action, it will so inform the Agency and the member concerned, who will take the necessary steps.

3. In the case of other infractions, the Council will invite the member concerned to provide the necessary explanation within a period to be determined by the Council; if this explanation is considered unsatisfactory, the Council will take the measures which it deems necessary in accordance with a procedure to be determined.

4. Decisions of the Council under this Article will be taken by majority vote.

## ARTICLE 21

Each member shall notify to the Agency the names and locations of the depots on the mainland of Europe containing armaments

subject to control and of the plants on the mainland of Europe manufacturing such armaments, or, even though not in operation, specifically intended for the manufacture of such armaments.

## ARTICLE 22

Each member of Western European Union shall keep the Agency informed of the quantities of armaments of the types mentioned in Annex IV to Protocol No. III which are to be exported from its territory on the mainland of Europe. The Agency shall be entitled to satisfy itself that the armaments concerned are in fact exported. If the level of stocks of any item subject to control appears abnormal, the Agency shall further be entitled to enquire into the orders for export.

## ARTICLE 23

The Council shall transmit to the Agency information received from the Governments of the United States of America and Canada respecting military aid to be furnished to the forces on the mainland of Europe of members of Western European Union.

---

**Agreement Drawn Up in Implementation of Article V of Protocol No. II of the Brussels Treaty as Modified by the Protocols Signed at Paris on October 23, 1954<sup>1</sup>**

Signed at Paris on December 14, 1957; Entered into force in October 1961

The Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland, Parties to the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defense, signed at Brussels on March 17, 1948, as modified by the Protocols signed at Paris on October 23, 1954,

Wishing to give effect to the provisions of Article V of Protocol No. II of the Brussels Treaty as modified by the aforementioned Protocols,

Agree as follows:

## ARTICLE 1

The present Agreement shall apply to all armed and uniformed personnel maintained on the mainland of Europe by the member States of Western European Union (hereinafter referred to as "the member States"), with the exception of the forces referred to in Articles I and II of Protocol No. II, subject to any variation in the level of those forces made in accordance with the provisions of Article III of that Protocol.

## ARTICLE 2

For the purpose of the present Agreement and the tables referred to in Article 3, "armaments" shall mean those of the types enumerated in Annex IV to Protocol No. III on the Control of Armaments.

<sup>1</sup> See p. 140.

## ARTICLE 3

The strength and armaments of the forces to which the present Agreement applies shall not exceed the maximum levels laid down in the tables approved in accordance with the provisions of Article 6.

## ARTICLE 4

As regards the levels of the forces for the common defence referred to in paragraph 5 of the Resolution implementing Section IV of the Final Act of the London Conference adopted by the North Atlantic Council on 22nd October 1954, the Council of Western European Union shall accept:

- (a) for the strength of such forces, the levels which shall be communicated annually to it by the North Atlantic Council;
- (b) for the armaments, the levels which shall be communicated annually to it by member States through the Agency for the Control of Armaments.

The Council of Western European Union shall automatically include these levels in the tables referred to in Article 3.

## ARTICLE 5

Each member State shall report annually to the Council of Western European Union on the strength and armaments of those of its forces stationed on the mainland of Europe and intended for the defence of overseas territories. The Council of Western European Union shall accept the levels thus communicated and shall automatically include them in the tables referred to in Article 3.

## ARTICLE 6

(a) Subject to the provisions of Articles 4 and 5, the tables referred to in Article 3 shall be submitted to the Council of Western European Union for unanimous approval.

(b) The tables shall be considered by the Council of Western European Union each year and may, in addition, be reviewed at any time on the request of a member State. Any amendment resulting from these reviews shall also be submitted to the Council of Western European Union for unanimous approval, subject to the provisions of Articles 4 and 5.

(c) When considering or reviewing the tables, the Council of Western European Union shall take into account, *inter alia*, any change in the command status of forces which may be decided upon by the North Atlantic Council.

## ARTICLE 7

The present Agreement shall enter into force when all the signatory States have notified the Belgian Government of their acceptance thereof. The Belgian Government shall inform the signatory States of the date of the receipt of each such notification and of the date of the entry into force of the present Agreement.

**ARTICLE 8**

The present Agreement, in a single copy in the English and French languages, both texts being equally authoritative, shall remain deposited in the archives of the Belgian Government, which shall transmit a certified copy to each of the other signatory States.

**TREATY OF FRIENDSHIP AND ALLIANCE BETWEEN HER  
MAJESTY IN RESPECT OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND AND HIS  
MAJESTY THE KING OF THE UNITED KINGDOM OF LIBYA**

Signed at Benghazi, July 29, 1953; Entered into force  
December 7, 1953; Ratified by the United Kingdom of  
Libya and the United Kingdom of Great Britain and  
Northern Ireland

Her Majesty The Queen of the United Kingdom of Great Britain  
and Northern Ireland and of Her other Realms and Territories (here-  
inafter referred to as Her Britannic Majesty) and His Majesty The  
King of the United Kingdom of Libya (hereinafter referred to as His  
Majesty The King of Libya);

Considering that on the 24th day of December 1951, the United  
Kingdom of Libya became an independent sovereign State in pur-  
suance of resolutions of the General Assembly of the United Nations  
dated the 21st day of November 1949, and the 17th day of November  
1950;

And being animated by a sincere desire to consolidate the friendship  
and good relations which exist between Their Majesties;

And desiring to conclude a Treaty of Friendship and Alliance with  
this object and with the object of strengthening the contribution which  
each of them will be able to make to the maintenance of international  
peace and security in accordance with the provisions and principles  
of the Charter of the United Nations:

Have accordingly appointed as their Plenipotentiaries:

\* \* \* \* \*

Who, having exhibited their full powers found in good and due form,  
have agreed as follows:—

**ARTICLE 1**

There shall be peace and friendship and a close alliance between the  
High Contracting Parties in consecration of their cordial understand-  
ing and their good relations.

Each of the High Contracting Parties undertakes not to adopt in  
regard to foreign countries an attitude which is inconsistent with the  
alliance or which might create difficulties for the other party thereto.

**ARTICLE 2**

Should either High Contracting Party become engaged in war or  
armed conflict, the other High Contracting Party will, subject always  
to the provisions of Article 4, immediately come to his aid as a meas-  
ure of collective defense. In the event of an imminent menace of  
hostilities involving either of the High Contracting Parties they will  
immediately concert together the necessary measures of defense.

## ARTICLE 3

The High Contracting Parties recognize that it is in their common interest to provide for their mutual defense and to ensure that their countries are in a position to play their part in the maintenance of international peace and security. To this end each will furnish to the other all the facilities and assistance in his power, on terms to be agreed upon. In return for facilities provided by His Majesty The King of Libya for British armed forces in Libya on conditions to be agreed upon, Her Britannic Majesty will provide financial assistance to His Majesty The King of Libya, on terms to be agreed upon as aforesaid.

## ARTICLE 4

Nothing in the present Treaty is intended to, or shall in any way, prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Charter of the United Nations or under any other existing international agreements, conventions or treaties, including, in the case of Libya, the Covenant of the League of Arab States.

## ARTICLE 5

This Treaty shall be ratified and shall come into force upon the exchange of instruments of ratification which shall take place as soon as possible.

## ARTICLE 6

This Treaty shall remain in force for a period of twenty years except insofar as it may be revised or replaced by a new Treaty during that period by agreement of both the High Contracting Parties, and it shall in any case be reviewed at the end of ten years. Each of the High Contracting Parties agrees in this connection to have in mind the extent to which international peace and security can be ensured through the United Nations. Before the expiry of a period of nineteen years either High Contracting Party may give to the other through the diplomatic channel notice of termination at the end of the said period of twenty years. If the Treaty has not been so terminated, and subject to any revision or replacement thereof, it shall continue in force after the period of twenty years until the expiry of one year after notice of termination has been given by either High Contracting Party to the other through the diplomatic channel.

## ARTICLE 7

Should any difference arise relative to the application or interpretation of the present Treaty and should the High Contracting Parties fail to settle such difference by direct negotiations, it shall be referred to the International Court of Justice unless the parties agree to another mode of settlement.

[Translation]

**TREATY OF ALLIANCE, POLITICAL CO-OPERATION AND  
MUTUAL ASSISTANCE BETWEEN THE GOVERNMENT OF  
THE KINGDOM OF GREECE, THE GOVERNMENT OF THE  
REPUBLIC OF TURKEY AND THE GOVERNMENT OF THE  
FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA, (BALKAN  
PACT)**

Signed at Bled on August 9, 1954<sup>1</sup>

The Contracting Parties,

Reaffirming their adherence to the principles proclaimed in the Charter of the United Nations and their desire to contribute, through their united efforts, towards the maintenance of peace, the strengthening of security and the development of international co-operation;

Resolved to ensure the territorial integrity and the political independence of their countries in the most effective manner, in conformity with the principles and the provisions of the Charter of the United Nations;

Animated by the desire to broaden and strengthen the bases of friendship and co-operation established by the Treaty of Friendship and Co-operation concluded between their countries at Ankara on 28 February 1953, which has been proved to be an extremely effective instrument;

Considering that the said Treaty was at all times intended to be a first step towards an alliance;

Convinced that the formation of such an alliance is necessary;

Convinced, furthermore, that the establishment of a system of collective security by the conclusion of a treaty of alliance would not only be a decisive factor for their own security and independence but would also benefit all other countries devoted to the cause of a just and equitable peace, particularly those in their region;

Have decided to conclude this Treaty and have appointed for this purpose their respective plenipotentiaries:

His Majesty the King of the Hellenes:

His Excellency, Mr. Stephanos Stephanopoulos, Minister of Foreign Affairs;

The President of the Turkish Republic:

His Excellency, Professor Fuad Köprülü, Minister of Foreign Affairs;

The President of the Federal People's Republic of Yugoslavia:

His Excellency, Mr. Koca Popovic, Secretary of State for Foreign Affairs

Who, having presented their full powers, found in good and due form, have agreed as follows:

<sup>1</sup> Came into force on May 21, 1955, the date of deposit of the last instrument of ratification, in accordance with the terms of article XIV. The instruments of ratification were deposited with the Government of Greece on dates indicated below:

Yugoslavia.....	February 25, 1955
Greece.....	April 30, 1955
Turkey.....	May 21, 1955

## ARTICLE I

The Contracting Parties undertake to settle any international dispute in which they may become involved by peaceful means in conformity with the provisions of the Charter of the United Nations and to refrain in their international relations from threatening to use or using force in any way which would be incompatible with the purposes of the United Nations.

## ARTICLE II

The Contracting Parties agree that any armed aggression against one or more of them on any part of their territory shall be deemed to constitute aggression against all of them, and, the Contracting Parties, exercising the right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations, shall accordingly, individually and collectively assist the attacked Party or Parties by immediately taking, by common agreement, all measures, including the use of armed force, which they consider necessary for effective defence.

Without prejudice to article VII of this Treaty, the Contracting Parties bind themselves not to conclude peace or to make any other arrangement with the aggressor without prior common agreement among themselves.

## ARTICLE III

In order to ensure the attainment of the objects of this Treaty in a regular and effective manner, the Contracting Parties pledge themselves to assist one another with a view to maintaining and strengthening their capacity for defence.

## ARTICLE IV

With a view to ensuring the effective application of this Treaty it is hereby decided as follows:

1. A Permanent Council shall be formed, to be composed of the Ministers of Foreign Affairs and of any other members of the Governments of the Contracting Parties whose presence may be desirable in the light of the exigencies of the situation and the nature of the matters to be discussed.

The Permanent Council shall meet regularly twice yearly. It may hold additional meetings whenever these are considered necessary by the Governments of all the Contracting Parties.

When not in session, the Permanent Council shall exercise its functions through the Permanent Secretariat established under the Ankara Treaty in a manner to be determined.

The Conference of the Ministers of Foreign Affairs provided for in article I of the Ankara Treaty shall be replaced by the Permanent Council.

The decisions of the Permanent Council on matters of substance shall be taken unanimously.

2. The General Staffs of the Contracting Parties shall continue their joint work commenced in pursuance of articles I and II of the Ankara Treaty, with due regard to the provisions of this Treaty.

## ARTICLE V

If the situation referred to in article II of this Treaty should arise, the Contracting Parties shall forthwith consult with one another and the Permanent Council shall meet without delay to determine what measures, in addition to those already adopted in pursuance of article II above, should be taken jointly to deal with the situation.

## ARTICLE VI

In the event of a serious deterioration of the international situation, particularly in regions in which such a deterioration might directly or indirectly have an adverse effect on security in their region, the Contracting Parties shall consult with one another with a view to studying the situation and determining their position.

The Contracting Parties, aware that armed aggression against a country other than their own may, if extended, directly or indirectly threaten the security and integrity of one or more of their number, hereby agree as follows:

In the event of armed aggression against a country towards which one or more of the Contracting Parties owes or owe, at the time of the signature of this Treaty, an obligation to render mutual assistance, the Contracting Parties shall consult with one another concerning what measures should be taken, in conformity with the purposes of the United Nations, to deal with the situation thereby created in their region.

It is understood that the consultations contemplated in this article may include an emergency meeting of the Council.

## ARTICLE VII

The Contracting Parties shall inform the Security Council of the United Nations immediately of any armed aggression directed against them and of the measures that they have taken in self-defence; they shall discontinue these measures when the Security Council has effectively applied the measures referred to in Article 51 of the Charter of the United Nations.

The Governments of the Contracting Parties shall likewise without delay make the statement referred to in resolution No. 378 (V)A of the General Assembly of the United Nations, dated 17 November 1950,<sup>2</sup> concerning the duties of States in the event of the outbreak of hostilities and shall act in conformity with that resolution.

## ARTICLE VIII

The Contracting Parties reaffirm their determination not to participate in any coalition directed against any one of them and not to enter into any commitment incompatible with the provisions of this Treaty.

## ARTICLE IX

The provisions of this Treaty shall not impair or be construed as impairing in any way the rights and obligations devolving upon the Parties under the Charter of the United Nations.

<sup>2</sup> United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 20*, document A/1776, p. 12.

## ARTICLE X

The provisions of this Treaty shall not impair and shall not be construed as impairing in any way the rights and obligations devolving upon Greece and Turkey under the North Atlantic Treaty of 4 April 1949.<sup>3</sup>

## ARTICLE XI

The Treaty of Friendship and Co-operation concluded between the Contracting Parties at Ankara on 28 February 1953 shall remain in effect in so far as it is not modified by the provisions of this Treaty.

The Contracting Parties agree that the provisions of article XIII of this Treaty shall apply in respect of the period of validity of the Ankara Treaty.

## ARTICLE XII

The provisions of article IX of the Treaty of Friendship and Co-operation of 28 February 1953 shall apply to the present Treaty under the same conditions.

## ARTICLE XIII

This Treaty shall remain in effect for a period of twenty years.

If not denounced by one of the Contracting Parties one year before its expiry the Treaty shall be automatically renewed for the ensuing year and so on thereafter until it is denounced by one of the Contracting Parties.

## ARTICLE XIV

This Treaty shall be ratified by the Contracting Parties in conformity with their respective constitutional processes. It shall enter into force on the date on which the last instrument of ratification is deposited.

The instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Kingdom of Greece.

The Treaty shall be registered with the United Nations.

The Treaty is drawn up in the French language in three identical copies, one copy being delivered to each of the Contracting Parties.

<sup>3</sup> See pp. 76 and 79.

**PACT OF MUTUAL CO-OPERATION BETWEEN IRAQ AND TURKEY (BAGHDAD PACT, SUBSEQUENTLY REDESIGNATED CENTRAL TREATY ORGANIZATION)**

Signed at Baghdad February 24, 1955; Entered into force April 15, 1955; Ratified by Iraq and Turkey (Iraq subsequently withdrew on March 24, 1959);<sup>1</sup> Acceded to by Iran (July 3, 1955), Pakistan (September 23, 1955), and the United Kingdom of Great Britain and Northern Ireland (April 5, 1955)

The United States on July 28, 1958, joined in a Declaration agreeing to cooperate with Iran, Pakistan, Turkey and the United Kingdom for their security and defense. (See p. 160.)

Whereas the friendly and brotherly relations existing between Iraq and Turkey are in constant progress, and in order to complement the contents of the Treaty of Friendship and Good Neighbourhood concluded between His Majesty the King of Iraq and his Excellency the President of the Turkish Republic signed in Ankara on March 29, 1946, which recognized the fact that peace and security between the two countries is an integral part of the peace and security of all the nations of the world and in particular the nations of the Middle East, and that it is the basis for their foreign policies;

Whereas article 11 of the Treaty of Joint Defense and Economic Cooperation between the Arab League States provides that no provision of that treaty shall in any way affect, or is designed to affect, any of the rights and obligations accruing to the Contracting Parties from the United Nations Charter;

And having realized the great responsibilities borne by them in their capacity as members of the United Nations concerned with the maintenance of peace and security in the Middle East region which necessitate taking the required measures in accordance with article 51 of the United Nations Charter;

They have been fully convinced of the necessity of concluding a pact fulfilling these aims, and for that purpose have appointed as their plenipotentiaries:—

\* \* \* \* \*

who having communicated their full powers, found to be in good and due form, have agreed as follows:—

**ARTICLE 1**

Consistent with article 51 of the United Nations Charter the High Contracting Parties will co-operate for their security and defense. Such measures as they agree to take to give effect to this co-operation may form the subject of special agreements with each other.

<sup>1</sup> Redesignated the Central Treaty Organization (CENTO) by a resolution of the Council of the Treaty Organization adopted August 21, 1959, following the announcement by Iraq of its decision to withdraw.

## ARTICLE 2

In order to ensure the realization and effect application of the co-operation provided for in article 1 above, the competent authorities of the High Contracting Parties will determine the measures to be taken as soon as the present pact enters into force. These measures will become operative as soon as they have been approved by the Governments of the High Contracting Parties.

## ARTICLE 3

The High Contracting Parties undertake to refrain from any interference whatsoever in each other's internal affairs. They will settle any dispute between themselves in a peaceful way in accordance with the United Nations Charter.

## ARTICLE 4

The High Contracting Parties declare that the dispositions of the present pact are not in contradiction with any of the international obligations contracted by either of them with any third State or States. They do not derogate from and cannot be interpreted as derogating from, the said international obligations. The High Contracting Parties undertake not to enter into any international obligation incompatible with the present pact.

## ARTICLE 5

This pact shall be open for accession to any member of the Arab League or any other State actively concerned with the security and peace in this region and which is fully recognized by both of the High Contracting Parties.

Accession shall come into force from the date of which the instrument of accession of the State concerned is deposited with the Ministry for Foreign Affairs of Iraq.

Any acceding State party to the present pact may conclude special agreements, in accordance with article 1, with one or more States parties to the present pact. The competent authority of any acceding State may determine measures in accordance with article 2. These measures will become operative as soon as they have been approved by the Governments of the parties concerned.

## ARTICLE 6

A Permanent Council at ministerial level will be set up to function within the framework of the purposes of this pact when at least four Powers become parties to the pact.

The Council will draw up its own rules of procedure.

## ARTICLE 7

This pact remains in force for a period of five years renewable for other five-year periods. Any Contracting Party may withdraw from the pact by notifying the other parties in writing of its desire to do so six months before the expiration of any of the above-mentioned periods, in which case the pact remains valid for the other parties.

## ARTICLE 8

This pact shall be ratified by the contracting parties and ratifications shall be exchanged at Ankara as soon as possible. Thereafter it shall come into force from the date of the exchange of ratifications.

---

**Declaration Respecting the Baghdad Pact Between the United States of America and Iran, Pakistan, Turkey, and the United Kingdom**

Signed at London July 28, 1958; Entered into force  
July 28, 1958

## DECLARATION

1. The members of the Baghdad Pact attending the Ministerial meeting in London have re-examined their position in the light of recent events and conclude that the need which called the Pact into being is greater than ever. These members declare their determination to maintain their collective security and to resist aggression, direct or indirect.

2. Under the Pact collective security arrangements have been instituted. Joint military planning has been advanced and area economic projects have been promoted. Relationships are being established with other free world nations associated for collective security.

3. The question of whether substantive alterations should be made in the Pact and its organization or whether the Pact will be continued in its present form is under consideration by the Governments concerned. However, the nations represented at the meeting in London reaffirmed their determination to strengthen further their united defense posture in the area.

4. Article I of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955 provides that the parties will cooperate for their security and defense and that such measures as they agree to take to give effect to this cooperation may form the subject of special agreements. Similarly, the United States, in the interest of world peace, and pursuant to existing Congressional authorization, agrees to cooperate with the nations making this Declaration for their security and defense, and will promptly enter into agreements designed to give effect to this cooperation.<sup>1</sup>

---

<sup>1</sup> See p. 196 for text of agreement of cooperation between the Government of the United States of America and the Government of Pakistan. (Identical agreements entered into with the Governments of Iran and Turkey, respectively.)

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERATION OF MALAYA<sup>1</sup> ON EXTERNAL DEFENCE AND MUTUAL ASSISTANCE**

Signed at Kuala Lumpur on October 12, 1957<sup>2</sup>

Whereas the Federation of Malaya is fully self-governing and independent within the Commonwealth;

And whereas the Government of the Federation of Malaya and the Government of the United Kingdom of Great Britain and Northern Ireland recognise that it is in their common interest to preserve peace and to provide for their mutual defence;

And whereas the Government of the Federation of Malaya has now assumed responsibility for the external defence of its territory;

Now therefore the Government of the Federation of Malaya and the Government of the United Kingdom of Great Britain and Northern Ireland have agreed as follows:

**ARTICLE I**

The Government of the United Kingdom undertakes to afford to the Government of the Federation of Malaya such assistance as the Government of the Federation of Malaya may require for the external defence of its territory.

**ARTICLE II**

The Government of the United Kingdom will furnish the Government of the Federation of Malaya with assistance of the kind referred to in Annex 1 of this Agreement, as may from time to time be agreed between the two Governments for the training and development of the armed forces of the Federation.

**ARTICLE III**

The Government of the Federation of Malaya will afford to the Government of the United Kingdom the right to maintain in the Federation such naval, land and air forces including a Commonwealth Strategic Reserve as are agreed between the two Governments to be necessary for the purposes of Article I of this Agreement and for the fulfilment of Commonwealth and international obligations. It is agreed that the forces referred to in this Article may be accompanied by authorised service organisations, and civilian components (of such

<sup>1</sup> The Federation of Malaya joined with Singapore (which subsequently became independent), Sarawak, and North Borneo under an agreement of July 9, 1963, and changed its name to Malaysia by a proclamation of September 16, 1963. The Constitution of the Federation of Malaya as amended by the Malaysia Act of 1963 provides for assumption of treaty rights and obligations.

<sup>2</sup> Came into force on 12 October 1957, upon signature, in accordance with article XII.

size as may be agreed between the two Governments to be necessary) and dependants.

#### ARTICLE IV

The Government of the Federation of Malaya agrees that the Government of the United Kingdom may for the purposes of this Agreement have, maintain and use bases and facilities in the Federation in accordance with the provisions of Annexes 2 and 4 of this Agreement and may establish, maintain and use such additional bases and facilities as may from time to time be agreed between the two Governments. The Government of the United Kingdom shall at the request of the Government of the Federation of Malaya vacate any base or part thereof; in such event the Government of the Federation of Malaya shall provide at its expense agreed alternative accommodation and facilities.

#### ARTICLE V

The conditions contained in Annex 3 of this Agreement shall apply to the forces, the authorised service organisations, the civilian components and the dependants referred to in Article III while in the territory of the Federation of Malaya in pursuance of this Agreement.

#### ARTICLE VI

In the event of a threat of armed attack against any of the territories or forces of the Federation of Malaya or any of the territories or protectorates of the United Kingdom in the Far East or any of the forces of the United Kingdom within those territories or protectorates or within the Federation of Malaya, or other threat to the preservation of peace in the Far East, the Governments of the Federation of Malaya and of the United Kingdom will consult together on the measures to be taken jointly or separately to ensure the fullest co-operation between them for the purpose of meeting the situation effectively.

#### ARTICLE VII

In the event of an armed attack against any of the territories or forces of the Federation of Malaya or any of the territories or protectorates of the United Kingdom in the Far East or any of the forces of the United Kingdom within any of those territories or protectorates or within the Federation of Malaya, the Governments of the Federation of Malaya and of the United Kingdom undertake to co-operate with each other and will take such action as each considers necessary for the purpose of meeting the situation effectively.

#### ARTICLE VIII

In the event of a threat to the preservation of peace or the outbreak of hostilities elsewhere than in the area covered by Articles VI and VII the Government of the United Kingdom shall obtain the prior agreement of the Government of the Federation of Malaya before committing United Kingdom forces to active operations involving the use of bases in the Federation of Malaya; but this shall not affect the right of the Government of the United Kingdom to withdraw forces from the Federation of Malaya.

## ARTICLE IX

The Government of the United Kingdom will consult the Government of the Federation of Malaya when major changes in the character or deployment of the forces maintained in the Federation of Malaya as provided for in accordance with Article III are contemplated.

## ARTICLE X

The Government of the Federation of Malaya and the Government of the United Kingdom will afford each other an adequate opportunity for comment upon any major administrative or legislative proposals which may affect the operation of this Agreement.

## ARTICLE XI

For the purpose of this Agreement, unless the context otherwise requires:

“bases” means areas in the Federation made available by the Government of the Federation of Malaya to the Government of the United Kingdom for the purposes of this Agreement and includes the immovable property and installations situated thereon or constructed therein;

“force” means any body, contingent, or detachment of any naval, land or air forces, or of any such forces, including a Commonwealth Strategic Reserve when in the territory of the Federation pursuant to this Agreement but shall not include any forces of the Federation of Malaya;

“the Federation” means the Federation of Malaya;

“Service authorities” means the authorities of a force who are empowered by the law of the country to which the force belongs to exercise command or jurisdiction over members of a force or civilian component or dependants;

“Federation authorities” means the authority or authorities from time to time authorised or designated by the Government of the Federation of Malaya for the purpose of exercising the powers in relation to which the expression is used;

“civilian component” means the civilian personnel accompanying a force, who are employed in the service of a force or by an authorized service organisation accompanying a force, and who are not stateless persons, nor nationals of, nor ordinarily resident in, the Federation;

“authorised service organisation” means a body organised for the benefit of, or to serve the welfare of, a force or civilian component or dependants;

“dependant” means a person not ordinarily resident in the Federation who is the spouse of a member of a force or civilian component or who is wholly or mainly maintained or employed by any such member, or who is in his custody, charge or care, or who forms part of his family;

“service vehicles” means vehicles, including hired vehicles, which are exclusively in the service of a force or authorised service organisation;

the expression "of a force" used in relation to "vessels" or "aircraft" includes vessels and aircraft on charter for the service of a force.

ARTICLE XII

This Agreement shall come into force on the date of signature.

NOTE: The Annexes to this agreement cover training, facilities, status of forces, and land tenure and disposal, and are not printed herein.

## AGREEMENTS BETWEEN FRANCE AND FORMER FRENCH TERRITORIES NOW INDEPENDENT AFRICAN STATES

A number of defense agreements have been concluded between France and its former territories, now independent States.

A. The agreement for cooperation in defense matters between France and the Federation of Mali, signed June 22, 1960 (Journal Officiel de la Communauté, August 15, 1960, p. 72) contains the following preambular paragraph (translation):

"Whereas, though both the internal and external defense of Mali depend on the Federation of Mali alone, the Federation may, with the concurrence of the French Republic, call on the French Armed Forces for its internal or external defense;"

Article 1 provides in part (translation):

"The French Republic and the Federation of Mali will lend each other aid and assistance in their defense against all threats.

"General defense problems shall be discussed at the periodic Conferences of the Chiefs of State and Government.

"A permanent joint Defense Committee shall be set up to prepare the plan for defense and cooperation between the French Republic and the Federation of Mali, particularly with respect to external defense."

B. An "Accord de Defense" between France and the Malagasy Republic is one of a series of agreements of transfer of power and cooperation signed on June 27, 1960, to accompany proclamation of independence for the Malagasy Republic (Journal Officiel, July 20, 1960, p. 6607). It contains the following provisions *inter alia* (in translation):

### "ARTICLE 1

"The French Republic and the Malagasy Republic will lend each other aid and assistance in preparing and ensuring the defense of the Community of which they are members.

### "ARTICLE 2

"The Malagasy Republic will be responsible for its internal and external defense. It may request aid from the French Republic under conditions set forth in special agreements.

"The Malagasy Republic will participate with the French Republic in the defense of the Community.

### "ARTICLE 3

"Each Contracting Party undertakes to give the other all facilities and assistance necessary for defense, in particular for the setting up, assignment, readying, and use of defense forces.

"These defense forces shall be composed principally of the armed forces of the Malagasy Republic and of armed forces charged with the common defense."

\* \* \* \* \*

"ARTICLE 6

"Problems relating to the common defense shall be taken up at the Conference of the Chiefs of State and Government.

"Defense problems directly affecting the Malagasy Republic shall be dealt with by a Franco-Malagasy Defense Committee."

C. A multilateral defense agreement between France, Ivory Coast, Dahomey, and Niger was signed April 24, 1961 (Journal Officiel de la République Française, February 6, 1962, p. 132). The Parties promise to give aid and assistance to prepare and assure their defense (Article 1). It is provided that Ivory Coast, Dahomey, and Niger are each responsible for their internal and external defense and can request aid from France under conditions stated in special agreements (Article 2). Problems of common defense are to be studied in a regional defense council (Article 5). The special bilateral accords between France and the aforementioned countries signed on the same date set forth the assistance to be given by France on request for the establishment of the armed forces of those countries and the status-of-forces arrangements to be observed.

D. A defense agreement between France and Mauritania signed June 19, 1961 (Journal Officiel, February 6, 1962, p. 1325) provides in part (translation):

"ARTICLE 1

"The French Republic and the Islamic Republic of Mauritania will lend each other aid and assistance to prepare and assure their defense.

"ARTICLE 2

"The Islamic Republic of Mauritania has responsibility for its internal and external defense. It may request aid from the French Republic under conditions set forth in special agreements.

"ARTICLE 3

"The Contracting Parties will cooperate on general problems of defense and, to this end, will assure effective and regular collaboration at necessary levels.

"Problems of common defense affecting the Islamic Republic of Mauritania will be studied by a permanent joint Committee of Defense."

Annex I of the Agreement sets forth the manner in which the joint Committee of Defense shall be constituted.

[TRANSLATION—TRADUCTION]

**TREATY OF ALLIANCE<sup>1</sup> BETWEEN THE KINGDOM OF GREECE, THE REPUBLIC OF TURKEY AND THE REPUBLIC OF CYPRUS.**

Signed at Nicosia, on 16 August 1960

The Kingdom of Greece, the Republic of Turkey and the Republic of Cyprus,

I. In their common desire to uphold peace and to preserve the security of each of them,

II. Considering that their efforts for the preservation of peace and security are in conformity with the purposes and principles of the United Nations Charter,

Have agreed as follows:

ARTICLE I

The High Contracting Parties undertake to co-operate for their common defence and to consult together on the problems raised by that defence.

ARTICLE II

The High Contracting Parties undertake to resist any attack or aggression, direct or indirect, directed against the independence or the territorial integrity of the Republic of Cyprus.

ARTICLE III

For the purpose of this alliance, and in order to achieve the object mentioned above, a Tripartite Headquarters shall be established on the territory of the Republic of Cyprus.

ARTICLE IV

Greece and Turkey shall participate in the Tripartite Headquarters so established with the military contingents laid down in Additional Protocol No. I<sup>2</sup> annexed to the present Treaty.

The said contingents shall provide for the training of the army of the Republic of Cyprus.

ARTICLE V

The Command of the Tripartite Headquarters shall be assumed in rotation, for a period of one year each, by a Greek, Turkish and Cypriot General Officer, who shall be appointed respectively by the Governments of Greece and Turkey and by the President and the Vice-President of the Republic of Cyprus.

<sup>1</sup> Came into force on 16 August 1960 by signature, in accordance with article VI.

<sup>2</sup> See p. 168.

## ARTICLE VI

The present Treaty shall enter into force on the date of signature.

The High Contracting Parties shall conclude additional agreements if the application of the present Treaty renders them necessary.

The High Contracting Parties shall proceed as soon as possible with the registration of the present Treaty with the Secretariat of the United Nations, in conformity with Article 102 of the United Nations Charter.

---

ADDITIONAL PROTOCOL NO. 1

I. The Greek and Turkish contingents which are to participate in the Tripartite Headquarters shall comprise respectively 950 Greek officers, non-commissioned officers and men, and 650 Turkish officers, non-commissioned officers and men.

II. The President and Vice-President of the Republic of Cyprus, acting in agreement, may request the Greek and Turkish Governments to increase or reduce the Greek and Turkish contingents.

III. It is agreed that the sites of the cantonments for the Greek and Turkish contingents participating in the Tripartite Headquarters, their juridical status, facilities and exemptions in respect of customs and taxes, as well as other immunities and privileges and any other military and technical questions concerning the organization and operation of the Headquarters mentioned above shall be determined by a Special Convention which shall come into force not later than the Treaty of Alliance.<sup>1</sup>

(Transitional paragraph)

IV. It is likewise agreed that the Tripartite Headquarters shall be set up not later than three months after the completion of the tasks of the Mixed Commission for the Cyprus Constitution and shall consist, in the initial period, of a limited number of officers charged with the training of the armed forces of the Republic of Cyprus. The Greek and Turkish contingents mentioned above will arrive in Cyprus on the date of signature of the Treaty of Alliance.

---

ADDITIONAL PROTOCOL NO. II

## ARTICLE I

A Committee shall be set up consisting of the Ministers for Foreign Affairs of the Republic of Cyprus, Greece and Turkey. It shall constitute the supreme political body of the Tripartite Alliance and may take cognizance of any question concerning the Alliance which the Governments of the three Allied countries shall agree to submit to it.

## ARTICLE II

The Committee of Ministers shall meet in ordinary session once a year. In a matter of urgency the Committee of Ministers can be convened in special session by its Chairman at the request of one of the members of the Alliance.

Decisions of the Committee of Ministers shall be unanimous.

---

<sup>1</sup> See p. 167.

## ARTICLE III

The Committee of Ministers shall be presided over in rotation, and for a period of one year, by each of the three Foreign Ministers. It will hold its ordinary sessions, unless it is decided otherwise, in the capital of the Chairman's country. The Chairman shall, during the year in which he holds office, preside over sessions of the Committee of Ministers, both ordinary and special.

The Committee may set up subsidiary bodies whenever it shall judge it to be necessary for the fulfilment of its task.

## ARTICLE IV

The Tripartite Headquarters established by the Treaty of Alliance shall be responsible to the Committee of Ministers in the performance of its functions. It shall submit to it, during the Committee's ordinary session, an annual report comprising a detailed account of the Headquarters's activities.

## TREATY OF GUARANTEE<sup>1</sup>

Signed at Nicosia, on 16 August 1960

The Republic of Cyprus of the one part, and Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland of the other part,

I. Considering that the recognition and maintenance of the independence, territorial integrity and security of the Republic of Cyprus, as established and regulated by the Basic Articles of its Constitution, are in their common interest,

II. Desiring to co-operate to ensure respect for the state of affairs created by that Constitution,

Have agreed as follows:

### ARTICLE I

The Republic of Cyprus undertakes to ensure the maintenance of its independence, territorial integrity and security, as well as respect for its Constitution.

It undertakes not to participate, in whole or in part, in any political or economic union with any State whatsoever. It accordingly declares prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the Island.

### ARTICLE II

Greece, Turkey and the United Kingdom, taking note of the undertakings of the Republic of Cyprus set out in Article I of the present Treaty, recognise and guarantee the independence, territorial integrity and security of the Republic of Cyprus, and also the state of affairs established by the Basic Articles of its Constitution.

Greece, Turkey and the United Kingdom likewise undertake to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly, either union of Cyprus with any other State or partition of the Island.

### ARTICLE III

The Republic of Cyprus, Greece and Turkey undertake to respect the integrity of the areas retained under United Kingdom sovereignty at the time of the establishment of the Republic of Cyprus, and guarantee the use and enjoyment by the United Kingdom of the rights to be secured to it by the Republic of Cyprus in accordance with the Treaty concerning the Establishment of the Republic of Cyprus signed at Nicosia on to-day's date.<sup>2</sup>

<sup>1</sup> Came into force on 16 August 1960, the date of signature, in accordance with article V.

<sup>2</sup> See p. 172.

## ARTICLE IV

In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representations or measures necessary to ensure observance of those provisions.

In so far as common or concerted action may not prove possible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty.

## ARTICLE V

The present Treaty shall enter into force on the date of signature. The original texts of the present Treaty shall be deposited at Nicosia.

The High Contracting Parties shall proceed as soon as possible to the registration of the present Treaty with the Secretariat of the United Nations, in accordance with Article 102 of the Charter of the United Nations.

## TREATY <sup>1</sup> CONCERNING THE ESTABLISHMENT OF THE REPUBLIC OF CYPRUS

Signed at Nicosia, on 16 August 1960 <sup>2</sup>

The United Kingdom of Great Britain and Northern Ireland, the Kingdom of Greece and the Republic of Turkey of the one part and the Republic of Cyprus of the other part;

Desiring to make provisions to give effect to the Declaration made by the Government of the United Kingdom on the 17th of February, 1959, during the Conference at London, in accordance with the subsequent Declarations made at the Conference by the Foreign Ministers of Greece and Turkey, by the Representative of the Greek Cypriot Community and by the Representative of the Turkish Cypriot Community;

Taking note of the terms of the Treaty of Guarantee signed to-day by the Parties to this Treaty;

Have agreed as follows:

### ARTICLE 1

The territory of the Republic of Cyprus shall comprise the Island of Cyprus, together with the islands lying off its coast, with the exception of the two areas defined in Annex A to this Treaty, which areas shall remain under the sovereignty of the United Kingdom. These areas are in this Treaty and its Annexes referred to as the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area.

### ARTICLE 2

(1) The Republic of Cyprus shall accord to the United Kingdom the rights set forth in Annex B to this Treaty.

(2) The Republic of Cyprus shall co-operate fully with the United Kingdom to ensure the security and effective operation of the military bases situated in the Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area, and the full enjoyment by the United Kingdom of the rights conferred by this Treaty.

### ARTICLE 3

The Republic of Cyprus, Greece, Turkey and the United Kingdom undertake to consult and co-operate in the common defence of Cyprus.

<sup>1</sup> Came into force on 16 August 1960, the date of signature, in accordance with article 12.

<sup>2</sup> With the consent of the Contracting Parties, Schedules A and B to Annex A to this Treaty, consisting of 23 maps, 273 air photographs and their associated verbal descriptions, as well as the 153 sheets of detailed plans annexed to Schedules A, B, C and D to Part II of Annex B to this Treaty, were not published in the United Nations *Treaty Series* owing to difficulties in reproduction and are not included in this document. However, a duly certified copy of the complete text of the Treaty, including Schedules A and B to Annex A and the detailed plans annexed to Schedules A, B, C and D to Part II of Annex B, has been transmitted by the registering party and remains in the custody of the Secretariat. Furthermore, it is understood that the complete text of the Treaty as reproduced in the certified copy thereof has been registered, and that the omission from publication of certain parts of the Treaty does not affect the validity of such registration.

## ARTICLE 4

The arrangements concerning the status of forces in the Island of Cyprus shall be those contained in Annex C to this Treaty.

## ARTICLE 5

The Republic of Cyprus shall secure to everyone within its jurisdiction human rights and fundamental freedoms comparable to those set out in Section I of the European Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on the 4th of November, 1950 and the Protocol to that Convention signed at Paris on the 20th of March, 1952.

## ARTICLE 6

The arrangements concerning the nationality of persons affected by the establishment of the Republic of Cyprus shall be those contained in Annex D to this Treaty.

## ARTICLE 7

The Republic of Cyprus and the United Kingdom accept and undertake to carry out the necessary financial and administrative arrangements to settle questions arising out of the termination of British administration in the territory of the Republic of Cyprus. These arrangements are set forth in Annex E to this Treaty.

## ARTICLE 8

(1) All international obligations and responsibilities of the Government of the United Kingdom shall henceforth, in so far as they may be held to have application to the Republic of Cyprus, be assumed by the Government of the Republic of Cyprus.

(2) The international rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of their application to the territory of the Republic of Cyprus shall henceforth be enjoyed by the Government of the Republic of Cyprus.

## ARTICLE 9

The Parties to this Treaty accept and undertake to carry out the arrangements concerning trade, commerce and other matters set forth in Annex F to this Treaty.

## ARTICLE 10

Any question or difficulty as to the interpretation of the provisions of this Treaty shall be settled as follows:

(a) Any question or difficulty that may arise over the operation of the military requirements of the United Kingdom, or concerning the provisions of this Treaty insofar as they affect the status, rights and obligations of United Kingdom forces or

any other forces associated with them under the terms of this Treaty, or of Greek, Turkish and Cypriot forces, shall ordinarily be settled by negotiation between the tripartite Headquarters of the Republic of Cyprus, Greece, and Turkey and the authorities of the armed forces of the United Kingdom.

(b) Any question or difficulty as to the interpretation of the provisions of this Treaty on which agreement cannot be reached by negotiation between the military authorities in the cases described above, or, in other cases, by negotiation between the Parties concerned through the diplomatic channel, shall be referred for final decision to a tribunal appointed for the purpose, which shall be composed of four representatives, one each to be nominated by the Government of the United Kingdom, the Government of Greece, the Government of Turkey and the Government of the Republic of Cyprus, together with an independent chairman nominated by the President of the International Court of Justice. If the President is a citizen of the United Kingdom and Colonies or of the Republic of Cyprus or of Greece or of Turkey, the Vice-President shall be requested to act; and if he also is such a citizen, the next senior Judge of the Court.

#### ARTICLE 11

The Annexes to this Treaty shall have force and effect as integral parts of this Treaty.

#### ARTICLE 12

This Treaty shall enter into force on signature by all the Parties to it

#### ANNEX A

##### *Section 1*

1. The Akrotiri Sovereign Base Area and the Dhekelia Sovereign Base Area shall comprise the two areas which are approximately indicated in red on Map A and Map B attached to this Annex.<sup>3</sup>

2. (a) The land boundaries of the Akrotiri Sovereign Base Area shall be as defined in the maps, air photographs and description contained in Schedule A to this Annex.<sup>3</sup>

(b) The land boundaries of the Dhekelia Sovereign Base Area shall be as defined in the maps, air photographs and description contained in Schedule B to this Annex.<sup>3</sup>

3. The maps, air photographs and descriptions in Schedules A and B to this Annex shall be interpreted in accordance with the Introductory Notes to those Schedules.

*Note:* The details set forth in annexes B, C, D, E and F are not included in this document.

<sup>3</sup> See footnote 2 on p. 172.

**AGREEMENT ON MUTUAL DEFENCE AND ASSISTANCE  
BETWEEN THE GOVERNMENT OF MALTA AND THE  
GOVERNMENT OF THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND**

Signed at Malta on September 21, 1964

**PREAMBLE**

Whereas Malta is a sovereign independent state within the Commonwealth,

And whereas the Government of Malta and the Government of the United Kingdom of Great Britain and Northern Ireland desire to provide for their mutual defence and to contribute to the maintenance of peace in accordance with the Charter of the United Nations, and generally to help promote stability and security.

Now therefore the Government of Malta and the Government of the United Kingdom of Great Britain and Northern Ireland have agreed as follows.

**ARTICLE 1**

The Government of Malta and the Government of the United Kingdom each undertake to afford to the other the assistance specified in this Agreement.

**ARTICLE 2**

The Government of Malta and the Government of the United Kingdom each undertake to afford to the other assistance for mutual defence and to consult together on the measures to be taken jointly or separately to ensure the fullest co-operation between them for this purpose.

**ARTICLE 3**

The two Governments will foster the closest co-operation between the armed forces of the two countries. If so requested by the Government of Malta, the Government of the United Kingdom, after taking account of other demands on its resources, will provide assistance or advice, in such manner and to such extent as may be agreed, including:

- (a) personnel to assist in the staffing, administration and training of the armed forces of Malta;
- (b) facilities, including instructional courses abroad, for training members of the armed forces of Malta;
- (c) expert advice and assistance in operational and technical matters;
- (d) use of facilities in Malta under the control of the British forces for the maintenance and logistic support of the armed forces of Malta; and
- (e) assistance in the supply of equipment for the armed forces in Malta.

## ARTICLE 4

The Government of Malta grants to the Government of the United Kingdom in peace and war the right to station armed forces and associated British personnel in Malta and to use facilities there for the purposes of mutual defence, the fulfilment of international or Commonwealth obligations, the assistance of other nations in maintaining their independence and stability, or the protection of the citizens of the United Kingdom and Colonies or of Malta.

The Annex<sup>1</sup> to this Agreement shall govern the rights and facilities to be afforded in Malta to the Government of the United Kingdom and to its armed forces and associated British personnel.

## ARTICLE 5

Except under arrangements made between the two Governments no forces, other than the forces of Malta and the United Kingdom, shall be stationed in Malta or be permitted to use harbour, dockyard, airfield, staging or communications facilities in Malta, unless the use is rendered necessary by distress in the course of sea or air navigation or to establish such facilities in Malta; provided that this Article shall not apply to the forces of any Party to the North Atlantic Treaty, to which the Government of Malta may accord any such rights or facilities which do not impede the exercise of the rights or the use of the facilities granted to the Government of the United Kingdom under this Agreement.

## ARTICLE 6

The Government of the United Kingdom will consult the Government of Malta when major changes in the British forces in Malta which might have significant effects on the defence or economy of Malta are contemplated.

## ARTICLE 7

Arrangements shall be made for consultation between the Government of Malta and the Government of the United Kingdom and their respective authorities on the operation of this Agreement and each Government shall have the right to raise with the other at any time any question as to the application of this Agreement, where that is materially affected by any change of circumstances.

## ARTICLE 8

Nothing in this Agreement is intended to or shall in any way prejudice the rights and obligations which devolve or may devolve upon either Government under the Charter of the United Nations.

## ARTICLE 9

The Annex to this Agreement shall have force and effect as an integral part of this Agreement and this Agreement shall be interpreted in accordance with the provisions of Part 1 of the Annex.<sup>1</sup>

<sup>1</sup> Annex not printed in this document.

ARTICLE 10

This Agreement shall come into force on the date of signature and shall remain in force for a period of ten years thereafter.

IN WITNESS whereof the undersigned being duly authorised thereto by their respective Governments have signed this Agreement.

Done at Malta in duplicate this 21st day of September 1964.



## SIGNIFICANT EXCERPTS FROM OTHER AGREEMENTS AND DECLARATIONS

---

### THE "MONROE DOCTRINE"

President Monroe, in his annual message of December 2, 1823, made the following declarations embodied in paragraphs 7, 48, and 49. These paragraphs read in full as follows:

"At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal has been made by his Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his Government. *In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.* [Italics supplied.]

"It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own,

which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. *We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States.* [Italics supplied.] In the war between these new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

“The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government de facto as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.”<sup>1</sup>

<sup>1</sup> Moore, *International Law Digest*, vol. vi, pp. 401-403.

**THE OGDENSBURG AGREEMENT: JOINT STATEMENT BY  
PRESIDENT ROOSEVELT OF THE UNITED STATES OF  
AMERICA AND PRIME MINISTER MACKENZIE KING OF  
CANADA, AUGUST 18, 1940 <sup>1</sup>**

The Prime Minister and the President have discussed the mutual problems of defense in relation to the safety of Canada and the United States.

It has been agreed that a Permanent Joint Board on Defense shall be set up at once by the two countries.

This Permanent Joint Board on Defense shall commence immediate studies relating to sea, land, and air problems including personnel and matériel.

It will consider in the broad sense the defense of the north half of the Western Hemisphere.

\* \* \* \* \*

---

<sup>1</sup> Made at Ogdensburg, New York; text in *Department of State Bulletin*, August 24, 1940, p. 154.

**JOINT ANNOUNCEMENT ON DEFENSE, UNITED STATES-  
CANADA, FEBRUARY 12, 1947<sup>1</sup>**

In the interest of efficiency and economy, each Government has decided that its national defense establishment shall, to the extent authorized by law, continue to collaborate for peacetime joint security purposes.\* \* \*

[Citing the "identity of view and interest between the two countries", and noting that "no treaty, executive agreement, or contractual obligation has been entered into",<sup>2</sup> the announcement quoted the Ogdensburg Agreement of August 1940 which established the Permanent Joint Board on Defense.]

In discharging this continuing responsibility [for the defense of the north half of the Western Hemisphere] the Board's work led to the building up of a pattern of close defense cooperation. The principles announced on February 12 are in continuance of this cooperation.\* \* \*

<sup>1</sup> *Department of State Bulletin*, volume XVI, No. 399, February 23, 1947, p. 361.

<sup>2</sup> Subsequently both Canada and the United States became parties to the North Atlantic Treaty.

**TRIPARTITE DECLARATION (UNITED STATES OF AMERICA-  
UNITED KINGDOM-FRANCE) REGARDING SECURITY IN  
THE NEAR EAST, MAY 25, 1950 <sup>1</sup>**

3. The three Governments take this opportunity of declaring their deep interest in and their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area. The three Governments, should they find that any of these states [i.e. the Arab states and Israel] was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside the United Nations, to prevent such violation.

<sup>1</sup> *Department of State Bulletin*, June 5, 1950, p. 886.

**FINAL ACT, LONDON NINE-POWER CONFERENCE, DECLARATION BY THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, THE UNITED KINGDOM, AND FRANCE, OCTOBER 3, 1954**<sup>1</sup>

5. The security and welfare of Berlin and the maintenance of the position of the Three Powers there are regarded by the Three Powers as essential elements of the peace of the free world in the present international situation. Accordingly they will maintain armed forces within the territory of Berlin as long as their responsibilities require it. They therefore reaffirm that they will treat any attack against Berlin from any quarter as an attack upon their forces and themselves.

6. They will regard as a threat to their own peace and safety any recourse to force which in violation of the principles of the United Nations Charter threatens the integrity and unity of the Atlantic alliance or its defensive purposes. In the event of any such action, the three Governments, . . . will act in accordance with Article 4 of the North Atlantic Treaty [which calls for consultation] with a view to taking other measures which may be appropriate.

---

<sup>1</sup> *American Foreign Policy, 1950-1955: Basic Documents*, volume I, pp. 1481-1483.

## TEXT OR EXCERPTS FROM PERTINENT BILATERAL DEFENSE AGREEMENTS

---

### GENERAL TREATY BETWEEN THE UNITED STATES OF AMERICA AND PANAMA <sup>1</sup>

Signed March 2, 1936; Ratification advised by Senate July 25, 1939; Ratified by President July 26, 1939; Proclaimed by President July 27, 1939

#### ARTICLE X

In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

<sup>1</sup> Treaty Series No. 945.

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF DENMARK, PURSUANT TO THE NORTH ATLANTIC TREATY, CONCERNING THE DEFENSE OF GREENLAND <sup>1</sup>**

Signed at Copenhagen April 27, 1951; Entered into force  
June 8, 1951

**PREAMBLE**

The Government of the United States of America and the Government of the Kingdom of Denmark, being parties to the North Atlantic Treaty signed at Washington on April 4, 1949, [?] having regard to their responsibilities thereunder for the defense of the North Atlantic Treaty area, desiring to contribute to such defense and thereby to their own defense in accordance with the principles of self-help and mutual aid, and having been requested by the North Atlantic Treaty Organization (NATO) to negotiate arrangements under which armed forces of the parties to the North Atlantic Treaty Organization may make use of facilities in Greenland in defense of Greenland and the rest of the North Atlantic Treaty area, have entered into an Agreement for the benefit of the North Atlantic Treaty Organization in terms as set forth below:

**ARTICLE I.**

The Government of the United States of America and the Government of the Kingdom of Denmark, in order to promote stability and well-being in the North Atlantic Treaty area by uniting their efforts for collective defense and for the preservation of peace and security and for the development of their collective capacity to resist armed attack, will each take such measures as are necessary or appropriate to carry out expeditiously their respective and joint responsibilities in Greenland, in accordance with NATO plans.

**ARTICLE II.**

In order that the Government of the United States of America as a party to the North Atlantic Treaty may assist the Government of the Kingdom of Denmark by establishing and/or operating such defense areas as the two Governments, on the basis of NATO defense plans, may from time to time agree to be necessary for the development of the defense of Greenland and the rest of the North Atlantic Treaty area, and which the Government of the Kingdom of Denmark is unable to establish and operate singlehanded, the two Governments in respect of the defense areas thus selected, agree to the following:

<sup>1</sup> TIAS 2292. See p. 237 for provisions relating to status of forces.

<sup>2</sup> See p. 76.

(1) The national flags of both countries shall fly over the defense areas.

(2) Division of responsibility for the operation and maintenance of the defense areas shall be determined from time to time by agreement between the two Governments in each case.

(3) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the United States of America, the following provisions shall apply:

(a) The Danish Commander-in-Chief of Greenland may attach Danish military personnel to the staff of the commanding officer of such defense area, under the command of an officer with whom the United States commanding officer shall consult on all important local matters affecting Danish interests.

(b) Without prejudice to the sovereignty of the Kingdom of Denmark over such defense area and the natural right of the competent Danish authorities to free movement everywhere in Greenland, the Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, shall be entitled within such defense area and the air spaces and waters adjacent thereto:

(i) to improve and generally to fit the area for military use;

(ii) to construct, install, maintain, and operate facilities and equipment, including meteorological and communications facilities and equipment, and to store supplies;

(iii) to station and house personnel and to provide for their health, recreation and welfare;

(iv) to provide for the protection and internal security of the area;

(v) to establish and maintain postal facilities and commissary stores;

(vi) to control landings, takeoffs, anchorages, moorings, movements, and operation of ships, aircraft, and water-borne craft and vehicles, with due respect for the responsibilities of the Government of the Kingdom of Denmark in regard to shipping and aviation;

(vii) to improve and deepen harbors, channels, entrances, and anchorages.

(c) The Government of the Kingdom of Denmark reserves the right to use such defense area in cooperation with the Government of the United States of America for the defense of Greenland and the rest of the North Atlantic Treaty area, and to construct such facilities and undertake such activities therein as will not impede the activities of the Government of the United States of America in such area.

(4) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the Kingdom of Denmark, the following provisions shall apply:

(a) The Government of the United States of America may attach United States military personnel to the staff of the commanding officer of such defense area, under the command of an officer with whom the Danish commanding officer shall consult on all important local matters affecting United States interests pursuant to the North Atlantic Treaty.

(b) The Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, may

use such defense area in cooperation with the Government of the Kingdom of Denmark for the defense of Greenland and the rest of the North Atlantic Treaty area, and may construct such facilities and undertake such activities therein as will not impede the activities of the Government of the Kingdom of Denmark in such area.

#### ARTICLE III.

(1) The operation of the United States naval station at Grønneidal will be transferred to the Government of the Kingdom of Denmark as soon as practicable and thereupon the Government of the Kingdom of Denmark will take over the utilization of the United States installations at Grønneidal on the following terms:

(a) United States ships, aircraft and armed forces shall have free access to Grønneidal with a view to the defense of Greenland and the rest of the North Atlantic Treaty area. The same right of access shall be accorded to the ships, aircraft and armed forces of other Governments parties to the North Atlantic Treaty as may be required in fulfillment of NATO plans.

(b) The Government of the Kingdom of Denmark will assume responsibility for the operation, to the same extent as hitherto, of the meteorological reporting service at Grønneidal, except for such future changes as might be mutually agreed upon. The Government of the Kingdom of Denmark likewise will assume responsibility for the maintenance of all United States buildings and equipment at Grønneidal.

(c) Details regarding the use by the Government of the Kingdom of Denmark of United States property remaining at Grønneidal, including provisions for reasonable protection thereof, the servicing of United States ships and aircraft, and the disposition of fuels and other stores, will be the subject of separate negotiations between representatives of the two Governments. It is agreed in this connection that, provided notification is given in each case to the Danish Commander-in-Chief of Greenland, the Government of the Kingdom of Denmark will have no objection to inspections of United States property remaining at Grønneidal, so long as that station is used by the Government of the Kingdom of Denmark.

(2) If the obligations of either party under the North Atlantic Treaty should necessitate activities at Grønneidal in excess of what the Government of the Kingdom of Denmark is able to accomplish alone, it is agreed that the Government of the Kingdom of Denmark will request that this station shall become a defense area according to the provisions of Article II of this Agreement.

#### ARTICLE IV.

In connection with activities for the defense of Greenland and the rest of the North Atlantic Treaty area, the defense areas will, so far as practicable, be made available to vessels and aircraft belonging to other Governments parties to the North Atlantic Treaty and to the armed forces of such Governments.

#### ARTICLE V.

(1) Under such conditions as may be agreed upon, the Government of the Kingdom of Denmark will, so far as practicable, provide such

meteorological and communications services in Greenland as may be required to facilitate operations under this Agreement.

(2) The Government of the Kingdom of Denmark agrees, so far as practicable, to make and furnish to the Government of the United States of America topographic, hydrographic, coast and geodetic surveys and aerial photographs, etc. of Greenland as may be desirable to facilitate operations under this Agreement. If the Government of the Kingdom of Denmark should be unable to furnish the required data, the Government of the United States of America, upon agreement with the appropriate Danish authorities, may make such surveys or photographs. Copies of any such surveys or photographs made by the Government of the United States of America shall be furnished to the Government of the Kingdom of Denmark. The Government of the United States of America may also, upon similar agreement, make such technical and engineering surveys as may be necessary in the selection of defense areas.

(3) In keeping with the provisions of Article VI of this Agreement, and in accordance with general rules mutually agreed upon and issued by the appropriate Danish authority in Greenland, the Government of the United States of America may enjoy, for its public vessels and aircraft and its armed forces and vehicles, the right of free access to and movement between the defense areas through Greenland, including territorial waters, by land, air and sea. This right shall include freedom from compulsory pilotage and from light or harbor dues. United States aircraft may fly over and land in any territory in Greenland, including the territorial waters thereof, without restriction except as mutually agreed upon.

#### ARTICLE VI.

The Government of the United States of America agrees to cooperate to the fullest degree with the Government of the Kingdom of Denmark and its authorities in Greenland in carrying out operations under this Agreement. Due respect will be given by the Government of the United States of America and by United States nationals in Greenland to all the laws, regulations and customs pertaining to the local population and the internal administration of Greenland, and every effort will be made to avoid any contact between United States personnel and the local population which the Danish authorities do not consider desirable for the conduct of operations under this Agreement.

\* \* \* \* \*

#### ARTICLE XI.

All property provided by the Government of the United States of America and located in Greenland shall remain the property of the Government of the United States of America. All removable improvements and facilities erected or constructed by the Government of the United States of America in Greenland and all equipment, material, supplies and goods brought into Greenland by the Government of the United States of America may be removed from Greenland free of any restriction, or disposed of in Greenland by the Government of the United States of America after consultation with the Danish authorities, at any time before the termination of this Agree-

ment or within a reasonable time thereafter. It is understood that any areas or facilities made available to the Government of the United States of America under this Agreement need not be left in the condition in which they were at the time they were thus made available.

## ARTICLE XII.

Upon the coming into force of this Agreement, the Agreement Relating to the Defense of Greenland between the two Governments signed in Washington on April 9, 1941, [1] shall cease to be in force.

## ARTICLE XIII.

(1) Nothing in this Agreement is to be interpreted as affecting command relationships.

(2) Questions of interpretation which may arise in the application of this Agreement shall be submitted to the Minister for Foreign Affairs of the Kingdom of Denmark and to the United States Ambassador to Denmark.

(3) The two Governments agree to give sympathetic consideration to any representations which either may make after this Agreement has been in force a reasonable time, proposing a review of this Agreement to determine whether modifications in the light of experience or amended NATO plans are necessary or desirable. Any such modifications shall be by mutual consent.

## ARTICLE XIV.

(1) This Agreement shall be subject to parliamentary approval in Denmark. It shall come into force on the day on which notice of such parliamentary approval is given to the Government of the United States of America. [2]

(2) This Agreement, being in implementation of the North Atlantic Treaty, shall remain in effect for the duration of the North Atlantic Treaty.

Signed in Copenhagen in duplicate in the English and Danish languages, both texts being equally authentic, this twenty-seventh day of April, 1951, by the undersigned duly authorized representatives of the Government of the United States of America and the Government of the Kingdom of Denmark.

[SEAL]  
[SEAL]

EUGENIE ANDERSON.  
OLE BJØRN KRAFT.

<sup>1</sup> Executive Agreement Series 204; 55 Stat. 1245.

<sup>2</sup> June 8, 1951.

**DEFENSE AGREEMENT PURSUANT TO THE NORTH ATLANTIC TREATY BETWEEN THE UNITED STATES OF AMERICA AND ICELAND<sup>1</sup>**

Signed at Reykjavík May 5, 1951; Entered into force May 5, 1951

**PREAMBLE**

Having regard to the fact that the people of Iceland cannot themselves adequately secure their own defenses, and whereas experience has shown that a country's lack of defenses greatly endangers its security and that of its peaceful neighbors, the North Atlantic Treaty Organization has requested, because of the unsettled state of world affairs, that the United States and Iceland in view of the collective efforts of the parties to the North Atlantic Treaty to preserve peace and security in the North Atlantic Treaty area, make arrangements for the use of facilities in Iceland in defense of Iceland and thus also the North Atlantic Treaty area. In conformity with this proposal the following Agreement has been entered into.

**ARTICLE I**

The United States on behalf of the North Atlantic Treaty Organization and in accordance with its responsibilities under the North Atlantic Treaty will make arrangements regarding the defense of Iceland subject to the conditions set forth in this Agreement. For this purpose and in view of the defense of the North Atlantic Treaty area, Iceland will provide such facilities in Iceland as are mutually agreed to be necessary.

**ARTICLE II**

Iceland will make all acquisitions of land and other arrangements required to permit entry upon and use of facilities in accordance with this Agreement, and the United States shall not be obliged to compensate Iceland or any national of Iceland or other person for such entry or use.

**ARTICLE III**

The national composition of forces, and the conditions under which they may enter upon and make use of facilities in Iceland pursuant to this Agreement, shall be determined in agreement with Iceland.

**ARTICLE IV**

The number of personnel to be stationed in Iceland pursuant to this Agreement shall be subject to the approval of the Icelandic Government.

<sup>1</sup> See p. 239 for annex on status of U.S. personnel and property.

## ARTICLE V

The United States in carrying out its responsibilities under this Agreement shall do so in a manner that contributes to the maximum safety of the Icelandic people, keeping always in mind that Iceland has a sparse population and has been unarmed for centuries. Nothing in this Agreement shall be so construed as to impair the ultimate authority of Iceland with regard to Icelandic affairs.

## ARTICLE VI

The Agreement of October 7, 1946, between the United States and Iceland for interim use of Keflavik Airport<sup>2</sup> shall terminate upon the coming into force of this Agreement whereupon Iceland will assume direction of and responsibility for civil aviation operations at Keflavik Airport. The United States and Iceland will negotiate appropriate arrangements concerning the organization of the Airport to coordinate the operation thereof with the defense of Iceland.

## ARTICLE VII

Either Government may at any time, on notification to the other Government, request the Council of the North Atlantic Treaty Organization to review the continued necessity for the facilities and their utilization, and to make recommendations to the two Governments concerning the continuation of this Agreement. If no understanding between the two Governments is reached as a result of such request for review within a period of six months from the date of the original request, either Government may at any time thereafter give notice of its intention to terminate the Agreement, and the Agreement shall then cease to be in force twelve months from the date of such notice. Whenever the contingency provided for in Articles 5 and 6 of the North Atlantic Treaty shall occur, the facilities, which will be afforded in accordance with this Agreement, shall be available for the same use. While such facilities are not being used for military purposes, necessary maintenance work will be performed by Iceland or Iceland will authorize its performance by the United States.

## ARTICLE VIII

After signature by the appropriate authorities of the United States and Iceland, this Agreement, of which the English and Icelandic texts are equally authentic, shall come into force on the date of receipt by the Government of the United States of America of a notification from the Government of Iceland of its ratification of the Agreement.

<sup>2</sup> Treaties and Other International Acts Series 1566; 61 Stat., Pt. 3, p. 2426.

**NORTH AMERICAN AIR DEFENSE COMMAND AGREEMENT  
EFFECTED BY AN EXCHANGE OF NOTES BETWEEN  
CANADA AND THE UNITED STATES OF AMERICA <sup>1</sup>**

Signed at Washington May 12, 1958; Entered into force  
May 12, 1958

Studies made by representatives of our two Governments led to the conclusion that the problem of the air defence of our two countries could best be met by delegating to an integrated headquarters the task of exercising operational control over combat units of the national forces made available for the air defence of the two countries. \* \* \* The agreed integration is intended to assist the two Governments to develop and maintain their individual and collective capacity to resist air attack on their territories in North America in mutual self-defence.

\* \* \* My Government proposes that the following principles should govern the future organization and operations of the North American Air Defence Command.

1. \* \* \*

2. The North American Air Defence Command will include such combat units and individuals as are specifically allocated to it by the two Governments. The jurisdiction of the Commander-in-Chief, NORAD, over those units and individuals is limited to operational control as hereinafter defined.

3. "Operational Control" is the power to direct, co-ordinate, and control the operational activities of forces assigned, attached or otherwise made available. \* \* \*

4-11. \* \* \*

---

<sup>1</sup> TIAS 4031.

**JOINT DECLARATION BY SPAIN AND THE UNITED STATES  
OF AMERICA CONCERNING THE RENEWAL OF THE DE-  
FENSE AGREEMENT OF SEPTEMBER 26, 1953<sup>1</sup>**

Signed at New York September 26, 1963

\* \* \* In affirming the importance of their bilateral Defense Agreement [signed Sept. 26, 1953, TIAS 2850], which will be applied in the new five year period of its validity in the spirit of this Declaration, they [the Governments of the United States of America and of Spain] consider it to be necessary and appropriate that the Agreement form a part of the security arrangements for the Atlantic and Mediterranean areas.

The United States Government reaffirms its recognition of the importance of Spain to the security, well-being and development of the Atlantic and Mediterranean areas. The two governments recognize that the security and integrity of both the United States and Spain are necessary for the common security. A threat to either country, and to the joint facilities that each provides for the common defense, would be a matter of common concern to both countries, and each country would take such action as it may consider appropriate within the framework of its constitutional processes.

\* \* \* \* \*

NOTE: The following Joint Communique, dated March 26, 1969, (Department of State press release No. 62) was issued concerning the expiration of the Defense Agreement with Spain:

"The Foreign Minister of Spain, Fernando Maria Castiella, and the Secretary of State, William P. Rogers, have conferred over the past two days on the conclusions to be drawn from the consultations that have been taking place regarding the possible extension for a further five-year period of the Defense Agreement between Spain and the United States of America dated September 26, 1953. The period of consultations called for by Article V of the Defense Agreement expires by its terms today.

"The Foreign Minister and the Secretary of State reached agreement in principle on the nature of the arrangements for the new five-year period of the Defense Agreement, which both Governments agree should take place, subject to the completion of the negotiation of the written documents that will express such arrangements. The Governments of Spain and the United States are confident this process can be accomplished shortly.

"Foreign Minister Castiella is departing for Madrid. He intends to return to Washington for the completion of the negotiations with the Secretary of State."

---

<sup>1</sup> TIAS 5437.

**AGREEMENT OF COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF LIBERIA <sup>1</sup>**

Signed July 8, 1959; Entered into force July 8, 1959

**ARTICLE 1**

In the event of aggression or threat of aggression against Liberia, the Government of the United States of America and the Government of Liberia will immediately determine what action may be appropriate for the defense of Liberia.

<sup>1</sup> TIAS 4303.

## AGREEMENT OF COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PAKISTAN

Agreement signed at Ankara March 5, 1959; Entered into force March 5, 1959

NOTE.—Identical agreements entered into between the United States of America and (1) Iran and (2) Turkey, also signed at Ankara on March 5, 1959

The Government of the United States of America and the Government of Pakistan,

Desiring to implement the Declaration in which they associated themselves at London on July 28, 1958;<sup>1</sup>

Considering that under Article I of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955,<sup>2</sup> the parties signatory thereto agreed to cooperate for their security and defense, and that, similarly, as stated in the above-mentioned Declaration, the Government of the United States of America, in the interest of world peace agreed to cooperate with the Governments making that Declaration for their security and defense:

Recalling that, in the above-mentioned Declaration, the members of the Pact of Mutual Cooperation making that Declaration affirmed their determination to maintain their collective security and to resist aggression, direct or indirect;

Considering further that the Government of the United States of America is associated with the work of the major committees of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955;

Desiring to strengthen peace in accordance with the principles of the Charter of the United Nations;

Affirming their right to cooperate for their security and defense in accordance with Article 51 of the Charter of the United Nations;

Considering that the Government of the United States of America regards as vital to its national interest and to world peace the preservation of the independence and integrity of Pakistan;

Recognizing the authorization to furnish appropriate assistance granted to the President of the United States of America by the Congress of the United States of America in the Mutual Security Act of 1954,<sup>3</sup> as amended, and in the Joint Resolution to Promote Peace and Stability in the Middle East;<sup>4</sup> and

Considering that similar agreements are being entered into by the Government of the United States of America and the Governments of Iran and Turkey, respectively,

Have agreed as follows:

<sup>1</sup> TIAS 4084; 9 UST 1077. (See p. 160.)

<sup>2</sup> See p. 158.

<sup>3</sup> 68 Stat. 832.

<sup>4</sup> See p. 199.

## ARTICLE I

The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Pakistan at its request.

## ARTICLE II

The Government of the United States of America, in accordance with the Mutual Security Act of 1954, as amended, and related laws of the United States of America, and with applicable agreements heretofore or hereafter entered into between the Government of the United States of America and the Government of Pakistan, reaffirms that it will continue to furnish the Government of Pakistan such military and economic assistance as may be mutually agreed upon between the Government of the United States of America and the Government of Pakistan, in order to assist the Government of Pakistan in the preservation of its national independence and integrity and in the effective promotion of its economic development.

## ARTICLE III

The Government of Pakistan undertakes to utilize such military and economic assistance as may be provided by the Government of the United States of America in a manner consonant with the aims and purposes set forth by the Governments associated in the Declaration signed at London on July 28, 1958, and for the purpose of effectively promoting the economic development of Pakistan and of preserving its national independence and integrity.

## ARTICLE IV

The Government of the United States of America and the Government of Pakistan will cooperate with the other Governments associated in the Declaration signed at London on July 28, 1958, in order to prepare and participate in such defensive arrangements as may be mutually agreed to be desirable, subject to the other applicable provisions of this agreement.

## ARTICLE V

The provisions of the present agreement do not affect the cooperation between the two Governments as envisaged in other international agreements or arrangements.

## ARTICLE VI

This agreement shall enter into force upon the date of its signature and shall continue in force until one year after the receipt by either Government of written notice of the intention of the other Government to terminate the agreement.

Done in duplicate at Ankara, this fifth day of March, 1959.

# CONGRESSIONAL RESOLUTIONS CONCERNING SITUATIONS ENDANGERING PEACE AND SECURITY

---

## THE FORMOSA RESOLUTION

Text of Public Law 4, 84th Congress [H.J. Res. 159], 69  
Stat. 5, approved January 29, 1955

A JOINT RESOLUTION Authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area

Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores,

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

The resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

## MIDDLE EAST RESOLUTION, AS AMENDED

Text of Public Law 85-7 [H.J. Res. 117], 71 Stat. 5, approved March 9, 1957, as amended by the Foreign Assistance Act of 1961, Public Law 87-195 [S. 1983], 75 Stat. 424, approved September 4, 1961

JOINT RESOLUTION To promote peace and stability in the Middle East

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be and hereby is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.

SEC. 2. The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

SEC. 3. The President is hereby authorized to use during the balance of fiscal year 1957 for economic and military assistance under this joint resolution not to exceed \$200,000,000 from any appropriation now available for carrying out the provisions of the Mutual Security Act of 1954, as amended, in accord with the provisions of such Act: *Provided*, That, whenever the President determines it to be important to the security of the United States such use may be under the authority of section 401(a) of the Mutual Security Act of 1954, as amended (except that the provisions of section 105(a) thereof shall not be waived), and without regard to the provisions of section 105 of the Mutual Security Appropriation Act, 1957: *Provided further*, That obligations incurred in carrying out the purposes of the first sentence of section 2 of this joint resolution shall be paid only out of appropriations for military assistance, and obligations incurred in carrying out the purposes of the first section of this joint resolution shall be paid only out of appropriations other than those for military assistance. This authorization is in addition to other existing authorizations with respect to the use of such appropriations. None of the additional authorizations contained in this section shall be used until fifteen days after the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committees on Appropriations of the Senate and the House of

Representatives and, when military assistance is involved, the Committees on Armed Services of the Senate and the House of Representatives have been furnished a report showing the object of the proposed use, the country for the benefit of which such use is intended, and the particular appropriation or appropriations for carrying out the provisions of the Mutual Security Act of 1954, as amended, from which the funds are proposed to be derived: *Provided*, That funds available under this section during the balance of fiscal year 1957 shall, in the case of any such report submitted during the last fifteen days of the fiscal year, remain available for use under this section for the purposes stated in such report for a period of twenty days following the date of submission of such report. Nothing contained in this joint resolution shall be construed as itself authorizing the appropriation of additional funds for the purpose of carrying out the provisions of the first section or of the first sentence of section 2 of this joint resolution.

SEC. 4. The President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East, with a view to maintaining the truce in that region.

SEC. 5. The President shall whenever appropriate<sup>1</sup> report to the Congress his action hereunder.

SEC. 6. This joint resolution shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.

<sup>1</sup> Sec. 705 of the Foreign Assistance Act of 1961 substituted the words "whenever appropriate" in lieu of the words "within the months of January and July of each year".

## CUBAN RESOLUTION

Text of Public Law 87-733 [S.J. Res. 230], 76 Stat. 697,  
approved October 3, 1962

JOINT RESOLUTION Expressing the determination of the United States with respect to the situation in Cuba

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

and  
Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

## RESOLUTION ON COMMUNIST SUBVERSION IN THE WESTERN HEMISPHERE

Text of House Resolution 560, agreed to September 20, 1965

RESOLUTION To express the sense of the House of Representatives declaring the policy of the United States relative to the intervention of the international communistic movement in the Western Hemisphere

Whereas the subversive forces known as international communism, operating secretly and openly, directly and indirectly, threaten the sovereignty and political independence of all the Western Hemisphere nations; and

Whereas the American Continents, by the free and independent positions which they have assumed and maintained, are not subject to colonization or domination by any power; and

Whereas the intervention of international communism, directly or indirectly, however disguised, in any American state, conflicts with the established policy of the American Republics for the protection of the sovereignty of the peoples of such states and the political independence of their governments; and

Whereas such a situation extended to any portions of the Western Hemisphere is dangerous to the peace and safety of the whole of it, including the United States; and

Whereas the ninth meeting of Consultation of Ministers of Foreign Affairs Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance recognized that acts possessing characteristics of aggression and intervention carried out against one or more of the member States of the Organization of American States may be responded to in either individual or collective form, which could go as far as resort to armed force, until such time as the Organ of Consultation takes measures to guarantee the peace and security of the hemisphere: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that (1) any such subversive domination or threat of it violates the principles of the Monroe Doctrine, and of collective security as set forth in the acts and resolutions heretofore adopted by the American Republics; and

(2) In any such situation any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance may, in the exercise of individual or collective self-defense, which could go so far as resort to armed force, and in accordance with the declarations and principles above stated, take steps to forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere.

## BERLIN RESOLUTION

Text of House Concurrent Resolution 570, 87th Congress,  
Passed October 10, 1962

### CONCURRENT RESOLUTION

Whereas the primary purpose of the United States in its relations with all other nations is and has been to develop and sustain a just and enduring peace for all; and

Whereas it is the purpose of the United States to encourage and support the establishment of a free, unified, and democratic Germany: and

Whereas in connection with the termination of hostilities in World War II the United States, the United Kingdom, France, and the Soviet Union freely entered into binding agreements under which the four powers have the right to remain in Berlin, with the right of ingress and egress, until the conclusion of a final settlement with the Government of Germany; and

Whereas no such final settlement has been concluded by the four powers and the aforementioned agreements continue on force: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),*  
That it is the sense of the Congress—

(a) that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral determination;

(b) that the United States would regard as intolerable any violation by the Soviet Union directly or through others of those rights in Berlin, including the right of ingress and egress;

(c) that the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for freedom.

## THE VIETNAM RESOLUTION (TONKIN GULF RESOLUTION)

Text of Public Law 88-408, 88th Congress, [H.J. Res. 1145]  
78 Stat. 384, Approved August 10, 1964

A JOINT RESOLUTION To promote the maintenance of international peace and security in southeast Asia

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

# CHRONOLOGY OF MAJOR UNITED STATES ACTIONS BEARING ON INTERNATIONAL PEACE AND SECURITY, 1945—68<sup>1</sup>

[*Editorial Note.*—With a few exceptions, such as peace treaties and the Foreign Assistance Act of 1948, this chronology is limited to actions bearing directly on military cooperation between the United States and other nations, or involving positive military measures by the United States alone. In general, military assistance agreements and base agreements have been excluded.]

## 1945

*June 26*

The United States signed the United Nations Charter at the United Nations Conference on International Organization, San Francisco. (On July 28 the U.S. Senate advised ratification; on August 8 President Truman signed the instrument of ratification, and on October 24 the Charter entered into force.)

*August 14* (international date line—August 15)

President Truman announced that Emperor Hirohito of Japan had accepted the Allies' surrender terms. (Formal surrender took place on September 2 (international date line—September 3) aboard the U.S.S. *Missouri* in Tokyo Bay.)

*November 15*

President Truman, Prime Minister Attlee of the United Kingdom, and Prime Minister Mackenzie King of Canada, signed at Washington a declaration stating they had met and considered the possibility of international action (1) to prevent the use of atomic energy for destructive purposes and (2) to promote the use of recent and future advances in scientific knowledge, particularly in the utilization of atomic energy, for peaceful and humanitarian ends. The declaration called for the establishment of a commission under the United Nations to prepare recommendations to that body. (On January 24, 1946, the U.N. General Assembly created the U.N. Atomic Energy Commission.)

## 1946

*December 31*

President Truman proclaimed the termination of the "period of hostilities of World War II."

## 1947

*February 10*

The United States and other allied countries signed treaties of peace with Bulgaria, Hungary, Italy, and Rumania at Paris. (On June 4 the U.S. Senate advised ratification; on June 14 President Truman signed the instruments of ratification, and on September 15 the treaties entered into force.)

*February 12*

The United States and Canada announced the conclusion of a Declaration of Defense whereby the two countries agreed to collaborate "for peacetime joint security purposes" by continuing indefinitely the Permanent Joint Board of Defense established in 1940 (Ogdensburg Agreement, August 18, 1940).

<sup>1</sup> Prepared by Historical Studies Division, Historical Office, Bureau of Public Affairs, Department of State, February 1967.

*May 22*

President Truman signed the Greek-Turkish Aid Act authorizing military and economic aid to Greece and Turkey and the dispatch of an American advisory mission to each of those countries. (The U.S. Senate had passed the bill on April 23, and the House of Representatives on May 9, in response to President Truman's message of March 12 in which he said "that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.")

*June 5*

Secretary of State Marshall in a Harvard University commencement address outlined the basis for United States aid to European recovery (Marshall Plan).

*September 2*

The United States and twenty Latin American republics signed the Inter-American Treaty of Reciprocal Assistance (Rio Pact) providing for a permanent defensive military alliance. (On December 8, the U.S. Senate advised ratification; on December 12 President Truman signed the instrument of ratification, and on December 3, 1948, the treaty entered into force.)

**1948**

*April 3*

President Truman signed the Foreign Assistance Act of 1948, which established the Economic Cooperation Administration and included the first authorization of funds for the European Recovery Program. (The U.S. Senate had passed the bill on March 14, and the House of Representatives on March 31.)

*April 30*

The United States and twenty Latin American republics signed the Charter of the Organization of American States (Bogotá Charter) at the Ninth International Conference of the American States. This Charter created the Organization of American States. (On August 28, 1950, the U.S. Senate advised ratification with a reservation that none of the provisions enlarge the powers of the Federal Government or limit the powers of the several states; on June 15, 1951, President Truman signed the instrument of ratification subject to the reservation, and on December 13 the Charter entered into force.)

*June 11*

The U.S. Senate approved the Vandenberg Resolution which advocated United States participation in "regional and other collective arrangements for individual and collective self-defense" in accordance with the provisions of the United Nations Charter.

*June 26*

The U.S. Air Force in coordination with the British Air Force started an airlift into Berlin because of a progressively severe blockade imposed on the city by the U.S.S.R. (The Soviet blockade remained in effect until May 12, 1949, and the U.S. Air Force ended its airlift on September 30, 1949.)

**1949**

*April 4*

The North Atlantic Treaty was signed in Washington by the Foreign Ministers of the United States, Belgium, Canada, Denmark, France,

Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, and the United Kingdom. (On July 21 the U.S. Senate advised ratification; on July 25 President Truman signed the instrument of ratification, and on August 24 the treaty entered into force.)

*October 6*

President Truman signed the Mutual Defense Assistance Act which authorized the Mutual Defense Assistance Program. (On September 28 the U.S. Senate and the House of Representatives had approved the House-Senate Conference report.)

1950

*January 27*

President Truman approved the recommendations of the North Atlantic Council for an integrated defense, thus clearing the way for implementation of the military aid program to NATO countries.

*January 31*

President Truman authorized the Atomic Energy Commission to continue its work on all forms of atomic weapons, including the hydrogen bomb.

*May 25*

Representatives of the United States, the United Kingdom, and France meeting in London issued a Tripartite Declaration stating that, in the event of any move towards a violation of frontiers or armistice lines by any country in the Middle East, the three governments would, consistent with their obligations as members of the United Nations, take immediate steps to prevent such violations.

*June 25*

On receipt of news that North Korean forces had launched a full-scale invasion of the Republic of Korea, the United States requested an immediate meeting of the U.N. Security Council, authorized the dispatch of military supplies to Korea and the evacuation of American dependents under air and naval cover, and ordered the U.S. Seventh Fleet to Japanese waters.

The U.N. Security Council adopted a resolution calling for the immediate cessation of hostilities and the withdrawal of North Korean forces to the 38th parallel forthwith. All U.N. members were called upon to render every assistance to the United Nations in the execution of this resolution and to refrain from aiding the North Korean authorities.

*June 27*

The U.N. Security Council adopted a resolution calling on U.N. members to "furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."

President Truman ordered U.S. air and sea forces to support Republic of Korea forces south of the 38th parallel, ordered the U.S. Seventh Fleet to prevent any attack on Formosa or action from Formosa against the mainland of China, and announced intensified military aid to the Philippines and Indochina.

*June 30*

President Truman authorized the U.S. Air Force to conduct missions above the 38th parallel, ordered a naval blockade of the Korean coast, and authorized the use of U.S. ground units in the conflict.

*July 6*

In an effort to prevent the trans-shipment of strategic goods to Communist China, the United States banned the export of oil and war materials to Hong Kong and to certain other Far Eastern ports. (On July 20 the United States revoked outstanding licenses for the shipment of strategic or scarce items to mainland China. On December 16 the United States formally banned all exports of any kind to Communist China and blocked Communist Chinese assets in the United States.)

*July 7*

The U.N. Security Council adopted a resolution recommending a unified U.N. command under the United States and requesting the United States to designate the commander of such forces. (General MacArthur was so designated on July 8.)

*September 7*

The United States announced that it would not grant export licenses for the shipment of critical goods or materials to nations which either trans-shipped such goods to "Iron Curtain" countries or sent similar products of their own to the U.S.S.R. and its satellites.

*December 18-19*

Meetings of the NATO Defense Committee and the North Atlantic Council in Brussels resulted in completion of arrangements for the establishment of an integrated defense force under the supreme command of General Dwight D. Eisenhower, and agreement that West Germany should contribute to the defense force. President Truman designated General Eisenhower on December 19 as Supreme Allied Commander, Europe.

**1951***April 27*

Pursuant to the North Atlantic Treaty the United States and Denmark signed at Copenhagen an agreement for the defense of Greenland. (The agreement entered into force on June 8, 1951.)

*May 5*

Pursuant to the North Atlantic Treaty the United States and Iceland signed at Reykjavik a defense agreement for the defense of Iceland. The agreement entered into force the same day.

*May 18*

The U.N. General Assembly adopted a resolution calling for an arms embargo against Communist China, a step previously urged by both houses of the U.S. Congress in resolutions adopted on May 15.

*August 30*

The United States and the Philippines signed a mutual defense treaty at Washington. (On March 20, 1952, the U.S. Senate advised ratification; on April 15 President Truman signed the instrument of ratification, and on August 27 the treaty entered into force.)

*September 1*

The United States, Australia, and New Zealand signed a security treaty (ANZUS Pact) at San Francisco. (On March 20, 1952, the U.S. Senate advised ratification; on April 15 President Truman signed the instrument of ratification, and on April 29 the treaty entered into force.)

*September 8*

As the final act of the Japanese Peace Conference at San Francisco (September 4-8), the United States and forty-seven allied powers signed a Treaty of Peace with Japan. (On March 20, 1952, the U.S. Senate advised ratification; on April 15 President Truman signed the instrument of ratification, and on April 28 the treaty entered into force.)

The United States and Japan signed at San Francisco a security treaty providing for the maintenance of U.S. forces in Japan as a contribution to the security of Japan. (On March 20, 1952, the U.S. Senate advised ratification; on April 15 President Truman signed the instrument of ratification, and on April 28 the treaty entered into force.)

*October 17*

The members of NATO signed at London a protocol on the accession of Greece and Turkey. (On February 7, 1952, the U.S. Senate advised ratification; on February 11 President Truman signed the instrument of ratification, and on February 15 the protocol entered into force.)

**1952***May 27*

The treaty establishing the European Defense Community (EDC) was signed at Paris by Belgium, France, Germany, Italy, Luxembourg and the Netherlands. On the same date, the parties to the North Atlantic Treaty signed a Protocol extending protective provisions to the members of the EDC. A Declaration signed by the United States, the United Kingdom and France emphasized their concern with the integrity of the EDC as then constituted. (The treaty establishing the EDC failed of ratification and, accordingly, the Protocol to the North Atlantic Treaty concerning EDC could not come into effect.)

**1953***July 27*

Representatives of the U.N. Command signed an armistice agreement at Panmunjom with representatives of the North Korean and Chinese Communist forces.

*October 1*

The United States and the Republic of Korea signed a mutual defense treaty at Washington. (On January 26, 1954, the U.S. Senate advised ratification with an understanding that neither party was obligated to come to the aid of the other except in case of an external armed attack against such party and that nothing in the treaty should be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which had been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea; on February 5 President Eisenhower signed the instrument of ratification subject to the understanding and on November 17 the treaty entered into force.)

*December 8*

President Eisenhower in a speech before the U.N. General Assembly proposed his "Atoms for Peace" plan. The plan was designed to bring the benefits of peaceful uses of atomic energy to all the people of the world. It called for establishment of the International Atomic Energy Agency.

1954

*July 20-21*

Accords on Indochina were concluded at Geneva. The United States, which was not a party to the agreements, issued a unilateral declaration stating that it (1) "will refrain from the threat or the use of force to disturb" the Geneva Agreements, (2) "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security," and (3) "shall continue to seek to achieve unity [in Vietnam] through free elections, supervised by the United Nations to insure that they are conducted fairly."

*September 8*

Representatives of the United States, the United Kingdom, France, Australia, New Zealand, Pakistan, the Philippines, and Thailand, meeting in Manila (September 6-8), signed the Pacific Charter and the Southeast Asia Collective Defense Treaty (SEATO). Cambodia, Laos, and the Free Territory under the jurisdiction of the State of Vietnam were covered by a protocol to the treaty. (On February 1, 1955, the U.S. Senate advised ratification; on February 4 the President signed the instrument of ratification, and on February 19 the treaty entered into force.)

*October 23*

The members of NATO signed at Paris a protocol on the accession of the Federal Republic of Germany. (On April 1, 1955, the U.S. Senate advised ratification; on April 7 President Eisenhower signed the instrument of ratification, and on May 5 the protocol entered into force.)

*December 2*

The United States and the Republic of China signed at Washington a mutual defense treaty. (On February 9, 1955, the U.S. Senate advised ratification; on February 11 President Eisenhower signed the instrument of ratification, and on March 3 the treaty entered into force.)

1955

*January 24-29*

Following increased Communist Chinese activity against the off-shore islands of Quemoy and Matsu, President Eisenhower asked Congress for authority to use force if necessary in the Formosa Straits. The Joint Resolution Authorizing the President to Employ the Armed Forces of the United States for Protecting the Security of Formosa, the Pescadores and Related Positions and Territories of that Area (Formosa Straits Resolution) was passed by the House of Representatives on January 25 and by the Senate on January 28, and was signed by President Eisenhower on January 29.

*May 5*

The United States and Canada exchanged notes of agreement at Washington on the establishment and operation of a distant early warning system. The agreement entered into force the same day. (The DEW line went into full operation on July 31, 1957.)

*May 15*

The United States and eleven other countries signed at Vienna the Austrian State Treaty for the re-establishment of an independent and democratic Austria. (On June 17 the U.S. Senate advised ratification; on June 24 President Eisenhower signed the instrument of ratification, and on July 27 the treaty entered into force.)

**1956**

*October 26*

The United States signed at the United Nations in New York the Statute of the International Atomic Energy Agency. (On June 18, 1957, the U.S. Senate advised ratification with an interpretation and an understanding; on July 29 President Eisenhower signed the instrument of ratification subject to the interpretation and understanding, and on the same day the statute entered into force for the United States.)

**1957**

*March 9*

President Eisenhower approved a Joint Resolution to Promote Peace and Stability in the Middle East (the Eisenhower Doctrine), which authorized the President to use U.S. armed forces to assist any Middle Eastern nation that requested help in resisting armed aggression from any country controlled by international communism. The resolution also offered economic and military assistance.

*March 22*

The United States announced its decision to join the Baghdad Pact Military Committee. (On June 3-6 the Council of Ministers of the Baghdad Pact met in Karachi, Pakistan, and the United States formally joined the Military Committee. Previously, on April 18, 1956, the United States had joined the Economic and Countersubversion Committees of the Baghdad Pact. The Baghdad Pact had been signed on February 24, 1955, at Baghdad by Iraq and Turkey, and later acceded to by Iran, Pakistan, and the United Kingdom.)

*April 25*

Reacting to threats against Jordan by Egypt and Syria, President Eisenhower announced that Jordan's independence was of vital interest to the United States and that he was sending units of the U.S. Sixth Fleet to the eastern Mediterranean. (On September 9 the United States began airlifting arms to Jordan.)

*August 1*

The United States and Canada announced plans to integrate their North American air defense systems.

**1958**

*February 17*

France and Tunisia accepted the good offices of the United States and the United Kingdom in settling their difficulties concerning the French army's pursuit of Algerian rebels into Tunisian territory.

*February 22*

The United States and the United Kingdom by an exchange of notes at Washington concluded an agreement on supply of intermediate

range ballistic missiles. The agreement entered into force the same day.

*May 12*

The United States and Canada by an exchange of notes at Washington concluded an agreement on the operating principles of the North American Air Defense Command (NORAD). The agreement entered into force the same day.

*May 14*

Following the outbreak of civil war in Lebanon, the United States sent units of the U.S. Sixth Fleet into the eastern Mediterranean and airlifted police equipment to the threatened Lebanese government.

*July 3*

The United States and the United Kingdom signed at Washington an agreement for cooperation on the uses of atomic energy for mutual defense purposes. (The agreement entered into force on August 4.)

*July 15*

As a result of continuing disorder in Lebanon and the overthrow on July 14 of the pro-Western government of Iraq, U.S. Marines landed in Lebanon at the request of the Lebanese government to protect American citizens and assist in restoring order. (Subsequent reinforcements raised the total strength of U.S. forces in Lebanon to approximately 14,000 men. Withdrawal was completed by the end of October.)

*July 28*

The United States signed at London a multilateral declaration with Iran, Pakistan, Turkey, and the United Kingdom relating to the Pact of Mutual Co-operation between Iraq and Turkey (Baghdad Pact). The declaration which entered into force the same day, committed the United States to cooperate with the nations of the Baghdad Pact for their security and defense. (On August 21, 1959, Iraq having withdrawn from the pact on March 24, 1959, the Baghdad Pact was re-designated the Central Treaty Organization (CENTO) by a resolution adopted by the pact members.)

## 1959

*March 5*

The United States signed at Ankara separate bilateral defense agreements with Iran, Turkey, and Pakistan. These agreements, which went into force the same day, were concluded pursuant to the Declaration Relating to the Baghdad Pact signed at London on July 28, 1958, and committed the United States to taking "such appropriate action, including the use of armed forces, as may be agreed upon" in the event of attacks against the other respective signatories.

*May 5*

The United States signed bilateral agreements with the German Federal Republic, at Bonn, and with Turkey, by an exchange of notes at Ankara, providing for cooperation in the uses of atomic energy for mutual defense purposes. (Both agreements entered into force on July 27.)

*May 6*

The United States signed bilateral agreements with Greece, by an exchange of notes at Athens, and with the Netherlands, at The Hague, providing for cooperation in the uses of atomic energy for mutual defense purposes. (The agreement with Greece entered into force on August 11, the one with the Netherlands on July 27.)

*May 7*

The United States and France signed at Washington an agreement for cooperation in the uses of atomic energy for mutual defense purposes. (The agreement entered into force on July 20.)

*May 22*

The United States and Canada signed at Washington an agreement for cooperation in the uses of atomic energy for mutual defense purposes. (The agreement entered into force on July 27.)

*December 1*

The United States and fourteen other nations signed at Washington the Antarctic Treaty, which provided that Antarctica should forever be used exclusively for peaceful purposes. (On August 10, 1960, the U.S. Senate advised ratification; on August 18 President Eisenhower signed the instrument of ratification, and on June 23, 1961, the treaty entered into force.)

## 1960

*January 19*

The United States and Japan signed at Washington a treaty of mutual cooperation and security providing that each party would act to meet an armed attack against either party in the territories under the administration of Japan and providing for the maintenance of U.S. forces in Japan as a contribution to the security of Japan. This treaty abrogated the security treaty signed on September 8, 1951. (On June 22 the U.S. Senate advised ratification; on the same day President Eisenhower signed the instrument of ratification, and on June 23 the treaty entered into force.)

## 1961

*August 17-25*

Following the sealing of the border between East and West Berlin on August 13 by East Germany, the United States dispatched reinforcements to its garrison in Berlin, presented notes to the Soviet Union parallel with notes of the United Kingdom and France in protest against the closing of the border, and called up thousands of American reservists to active duty.

*August 17*

The Charter of Punta Del Este was signed by all members of the Organization of American States except Cuba. The Charter established the Alliance for Progress.

## 1962

*May 15*

As a result of the critical situation in Laos produced by Pathet Lao successes against Laotian government forces, President Kennedy ordered U.S. naval units to Southeast Asian waters.

*May 17*

To assist in the defense of Thailand, endangered by the Laotian crisis, the United States, at the request of the Thai Government and in line with U.S. obligations under SEATO, dispatched Army forces to Thailand.

*July 18*

The International Conference on the Settlement of the Laotian Question (opened at Geneva, May 16, 1961) concluded with the signing by the United States and thirteen other nations of a Declaration on the Neutrality of Laos and an accompanying protocol. The declaration and protocol, which entered into force on July 23, guaranteed the independence and neutrality of Laos.

*October 22*

As a result of the installation of medium range missiles in Cuba by the Soviet Union, President Kennedy announced the imposition of a naval and air quarantine against the shipment of offensive weapons to Cuba, and warned that the launching of a nuclear missile from Cuba against any nation in the Western Hemisphere would be regarded by the United States as an attack by the Soviet Union on the United States, which would require a full retaliatory response upon the Soviet Union.

*November 3*

As a result of full-scale fighting between Indian forces and Chinese Communist troops along the borders of India, the United States at the urgent request of Indian Prime Minister Nehru began an emergency airlift of arms to India.

### 1963

*June 20*

The United States and the U.S.S.R. signed at Geneva an agreement to establish a direct communication link (diplomatic "hot line") between Washington and Moscow. The agreement entered into force the same day. (On August 20 the "hot line" went into operation.)

*August 5*

The United States, the United Kingdom, and the U.S.S.R. signed at Moscow a tripartite treaty banning nuclear weapon tests in the atmosphere, in outer space, and under water. (On September 24 the U.S. Senate advised ratification; on October 7 President Kennedy signed the instrument of ratification, and on October 10 the treaty entered into force.)

### 1964

*April 20*

The United States and the U.S.S.R. each announced a unilateral pledge to reduce the production of fissionable materials for nuclear weapons.

*August 4*

North Vietnam torpedo boats attacked the U.S.S. *Maddox* and U.S.S. *C. Turner Joy* in the Gulf of Tonkin. In retaliation, President Johnson announced U.S. "air actions" against "gunboats and certain supporting facilities in North Vietnam which have been used in these hostile operations." (On August 3, following a similar attack on

August 2 against the U.S.S. *Maddox*, President Johnson had instructed the U.S. Navy "to attack any force which attacks them in international waters, and to attack with the objective not only of driving off the force but of destroying it.")

*August 10*

Congress approved a Joint Resolution to Promote the Maintenance of International Peace and Security in Southeast Asia (Tonkin Gulf Resolution) which approved "all necessary measures" that the President might take "to repel any armed attack against the forces of the United States and to prevent further aggression." The resolution also approved "all necessary steps" which the President might take, "including the use of armed forces, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." (On August 5, President Johnson had sent a message to Congress asking it "for a resolution expressing the unity and determination of the United States in supporting freedom and in protecting peace in Southeast Asia.")

## 1965

*February 7-11*

In retaliation for Viet Cong attacks against U.S. and South Vietnamese military installations, U.S. and South Vietnamese planes conducted retaliatory raids on targets in North Vietnam. (Thereafter the bombing of North Vietnam continued on a steadily enlarged scale, except for two major pauses in 1965-66, and became directly related to the conduct of military operations in South Vietnam. On June 29, 1966, U.S. planes attacked gas and oil storage and distribution systems on the outskirts of Hanoi and Haiphong, in raids that marked a departure from the previous policy of avoiding military targets in the close vicinity of those cities.)

*April 28*

Following four days of street fighting in Santo Domingo and the overthrow of the government, U.S. Marines landed in the Dominican Republic to evacuate American citizens. (As a result of the danger of Communists seizing control of the uprising, additional U.S. forces were dispatched during the next few days until a total of approximately 14,000 troops was reached by May 4.)

*June 28*

U.S. ground troops participated in their first major combat operations of the Vietnamese war. (On June 9 the White House had announced: "If help is requested by appropriate Vietnamese commanders, General Westmoreland [U.S. Commander, United States Military Assistance Command, Vietnam] also has authority within the assigned mission to employ these troops in support of Vietnamese forces faced with aggressive attack when other effective reserves are not available and when, in his judgment, the general military situation urgently requires it.")

*July*

The United States began a major military buildup in South Vietnam. (By December 1966 the number of U.S. armed forces personnel in South Vietnam had reached approximately 400,000.)

*December 29*

The United States dispatched high-ranking emissaries to various capitals of the world to sound out the possibilities of achieving a negotiated settlement of the Vietnam war.

## 1966

*February 8*

After conferring in Honolulu for two days, President Johnson, South Vietnam Premier Nguyen Cao Ky, and South Vietnam Chief-of-State Lieutenant General Nguyen Van Thieu pledged in a "Declaration of Honolulu" that a combination of military action and civic reform programs would be used in the fight against the National Liberation Front and the allied North Vietnam forces.

*September 22*

In an address to the U.N. General Assembly, U.S. Ambassador Arthur Goldberg proposed a step-by-step de-escalation of the Vietnamese war. He said that as a first step the United States would stop bombing North Vietnam as soon as his Government was assured that steps would be taken for a corresponding reduction of the North Vietnamese war effort.

*October 24-25*

The leaders of the seven nations associated in the defense of South Vietnam (the United States, the Republic of Vietnam, the Philippine Republic, New Zealand, Australia, Thailand, and the Republic of Korea) met in conference at Manila. In a joint communique they declared that the allied nations were "united in their determination that the freedom of South Vietnam be secured, in their resolve for peace, and in their deep concern for the future of Asia and the Pacific."

## 1967

*January 27*

The United States, the United Kingdom, the U.S.S.R., and a number of other countries signed the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. This treaty prohibits the placing of nuclear or other weapons of mass destruction in orbit around the earth and the installation of such weapons on the moon or other bodies in space. (On April 25 the U.S. Senate advised ratification; on May 24 President Johnson signed the instrument of ratification; and on October 10 the treaty entered into force.)

*June 30*

The United States signed the multilateral agreements negotiated in the Sixth Round (the Kennedy Round) of Trade Negotiations at Geneva. The agreements provide for tariff cuts of 30% to 50% on a broad range of industrial goods, for liberalization of trade in agriculture, and for a food-aid program for the less-developed countries. The Geneva (1967) Protocol to the General Agreement on Tariffs and Trade, which embodies most of the tariff and other concessions exchanged in the negotiations, entered into force on January 1, 1968.

*September 29*

President Johnson announced that the United States would be willing to stop all aerial and naval bombardment of North Vietnam when this would lead promptly to productive discussions, assuming that North Vietnam would not take military advantage of U.S. restraint (the San Antonio formula).

*November*

The United States participated in successful international mediation efforts to avert war between Greece and Turkey over Cyprus and to assist the two governments in finding a peaceful way out of the situation.

**1968***March 31*

President Johnson in a nationwide broadcast renewed his San Antonio offer and announced that he had ordered U.S. aircraft and naval vessels to make no attacks on North Vietnam, except in an area immediately north of the demilitarized zone. (On April 3 North Vietnam responded by agreeing to meet with representatives of the U.S. Government. Official negotiations between the United States and North Vietnam opened at Paris on May 13.)

*July 1*

The United States, the United Kingdom, the U.S.S.R., and a number of other countries signed the Treaty for Non-Proliferation of Nuclear Weapons. (On March 13, 1969, the U.S. Senate advised ratification.)

*October 31*

President Johnson in a nationwide broadcast announced the cessation of all air, naval, and artillery bombardment of North Vietnam as of November 1.

---

---

## MAPS

1. Inter-American Treaty of Reciprocal Assistance.
2. North Atlantic Treaty.
3. Treaty of Mutual Cooperation and Security between the United States of America and Japan.
4. Security Treaty between Australia, New Zealand and the United States.
5. Mutual Defense Treaty with the Republic of the Philippines.
6. Mutual Defense Treaty with the Republic of Korea.
7. Southeast Asia Collective Defense Treaty.
8. Mutual Defense Treaty with the Republic of China.
9. United States Collective Defense Arrangements (worldwide).
10. Central Treaty Organization.

INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

RIO



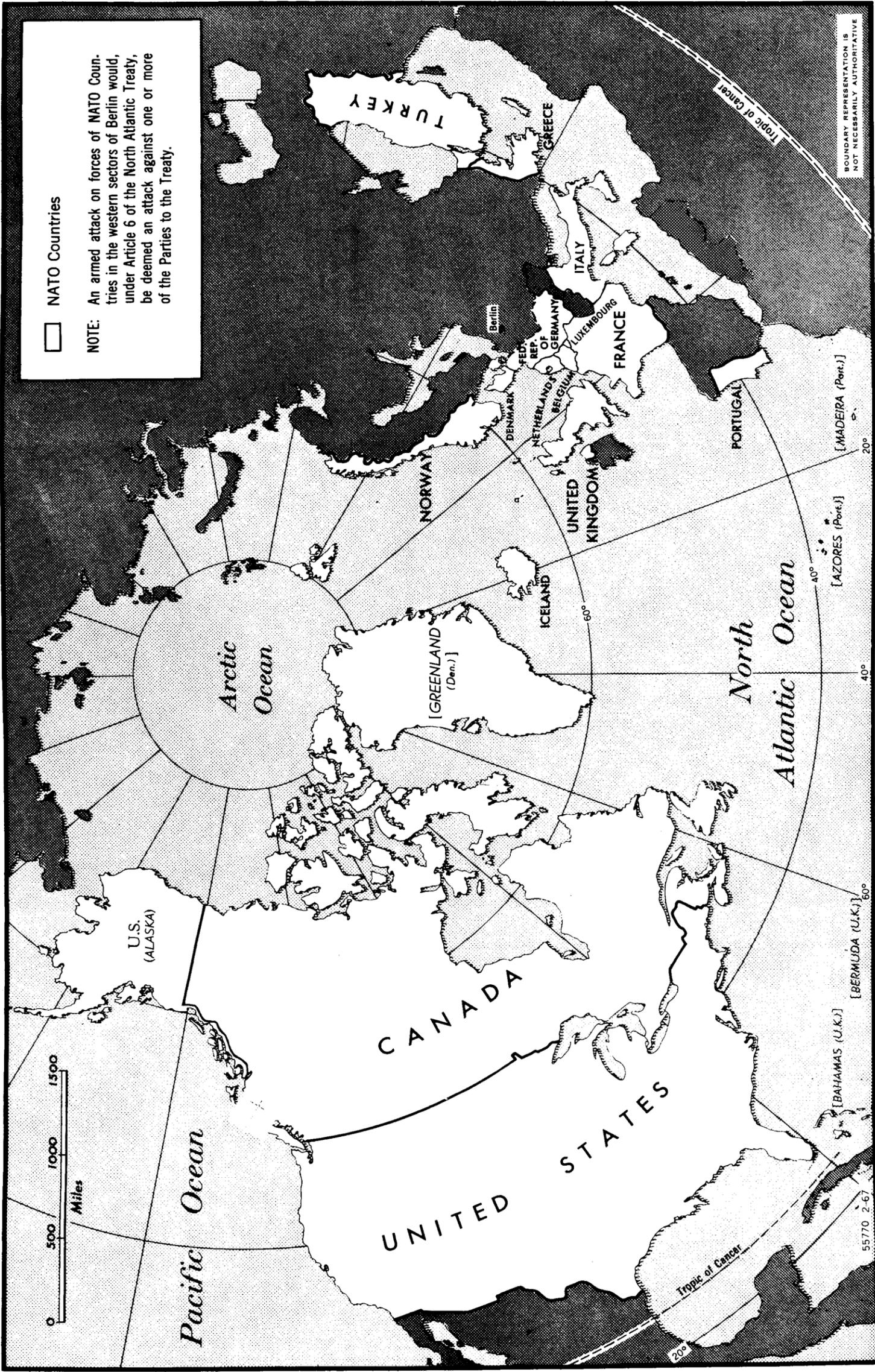
27-587 O - 69 (Face p. 218) No. 1

In addition to the region defined in article 4, the treaty provides for action in the event of an armed attack "within the territory of an American State" (par. 3, art. 3), which includes more than the continental territory of signatories. It includes the State of Hawaii as well as the island of Guam and any other possessions abroad since they all constitute a part of "the territory of an American State."



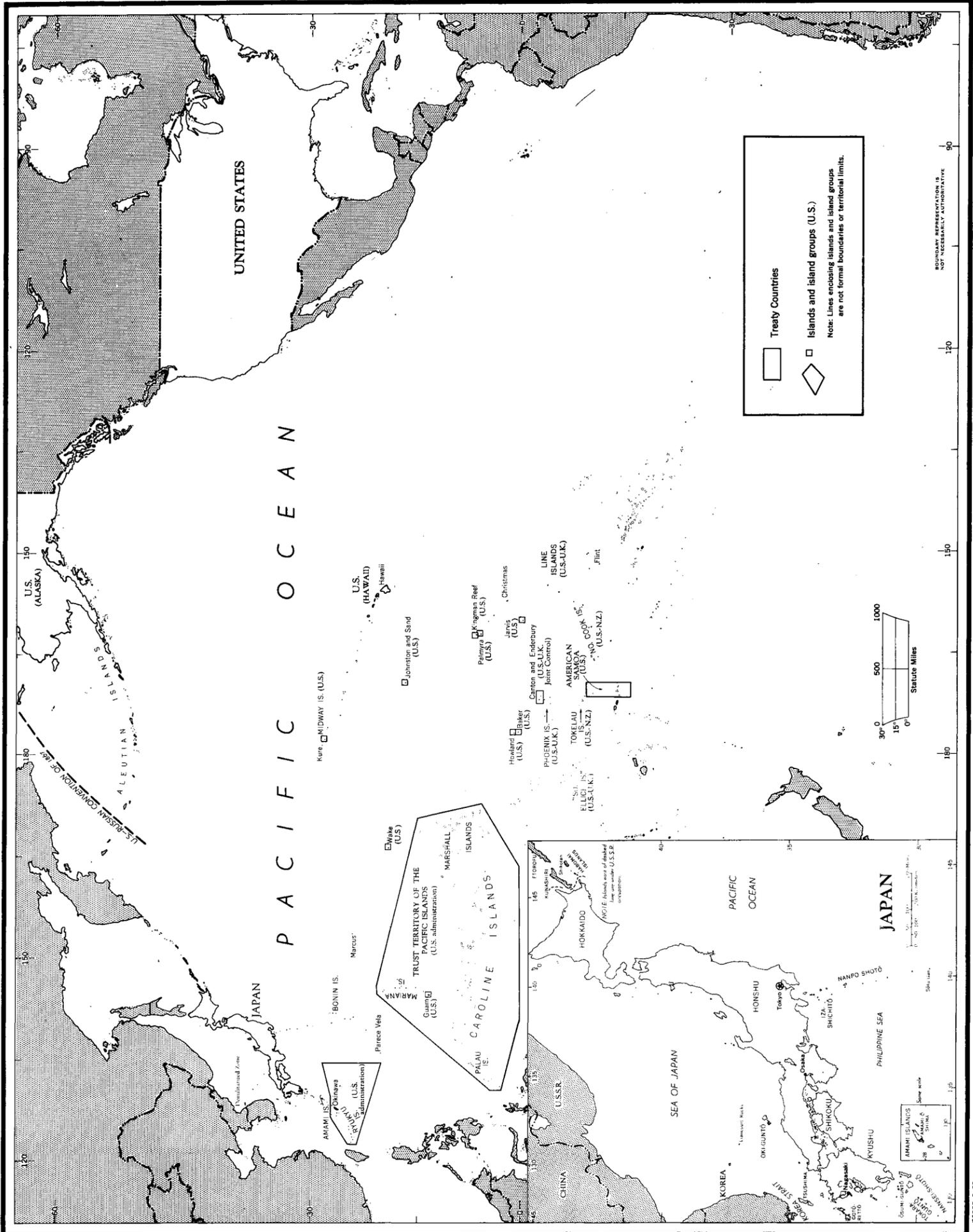
NORTH ATLANTIC TREATY

NATO





SECURITY TREATY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN



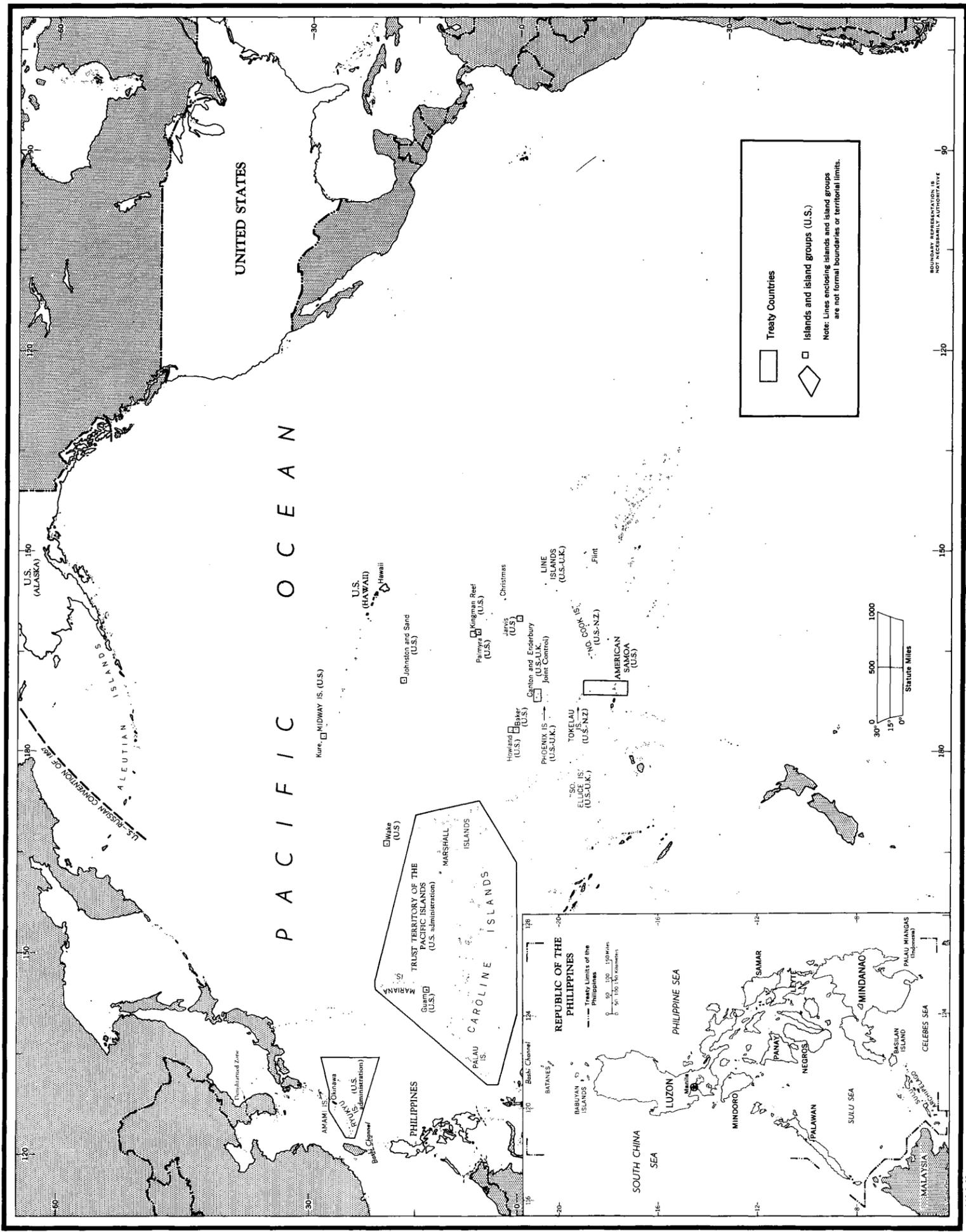
76058 3-69







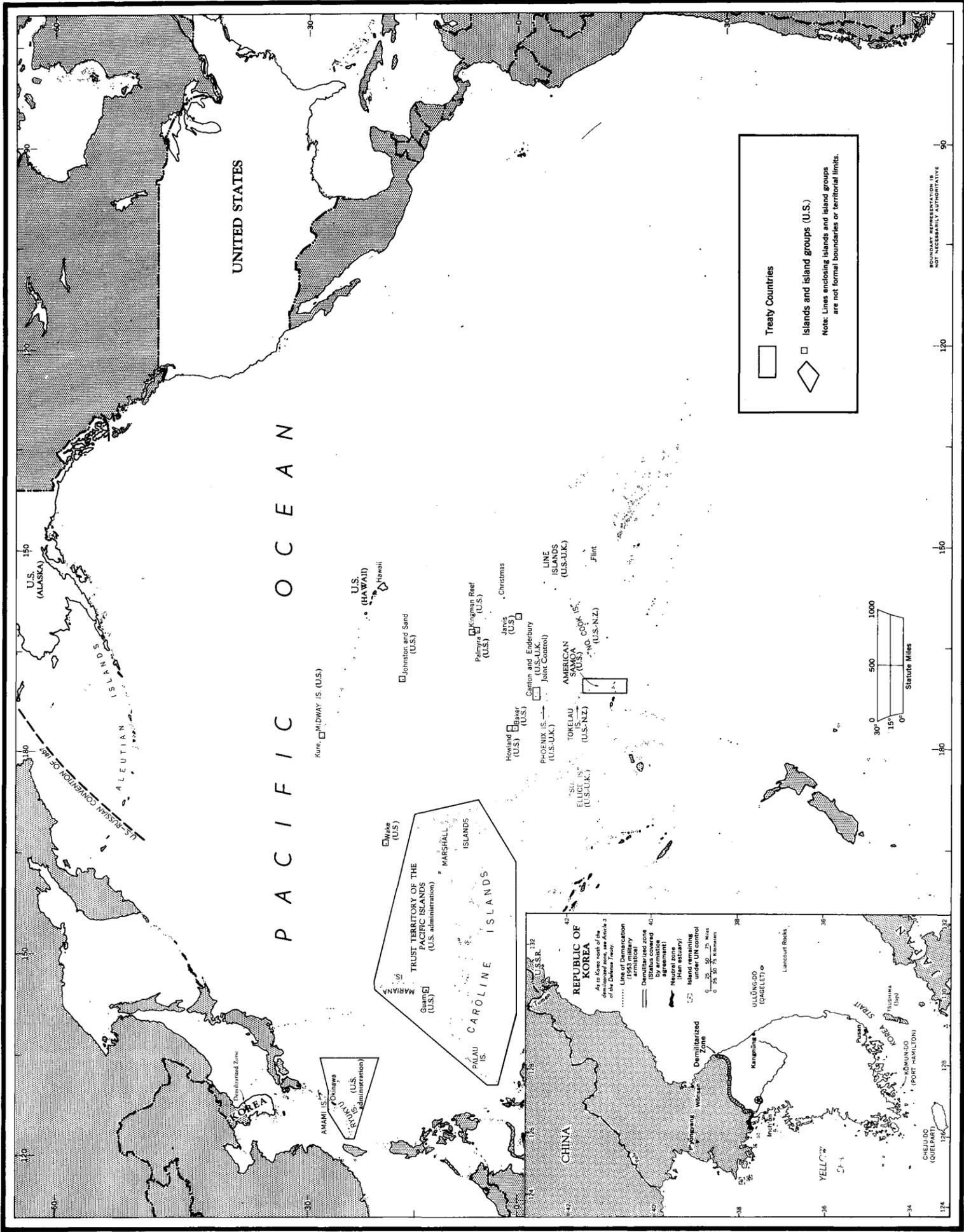
**PHILIPPINES**  
**MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES**



76600 3-69



MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA KOREA

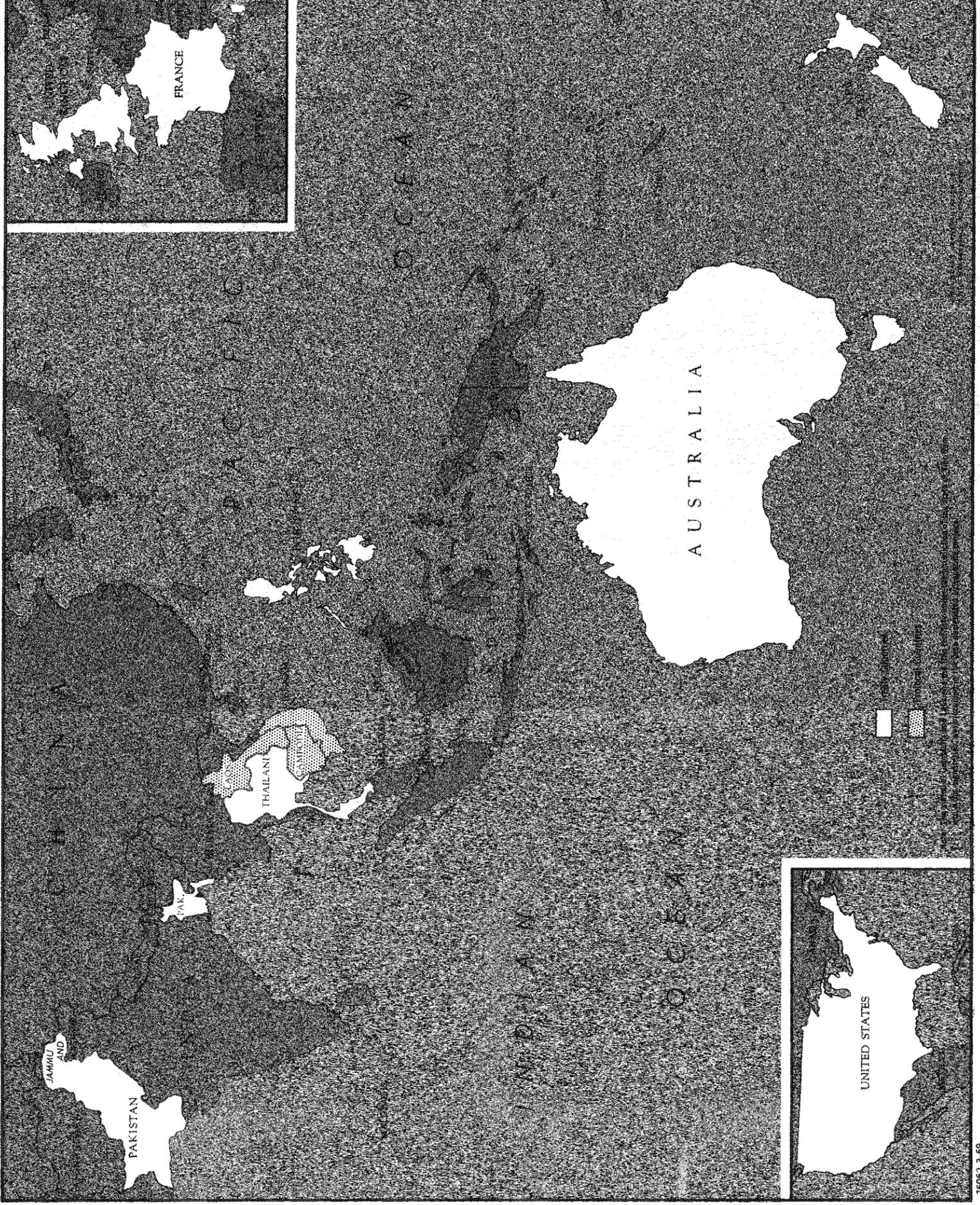


76061 3-69



# SOUTHEAST ASIA TREATY ORGANIZATION

SEATO

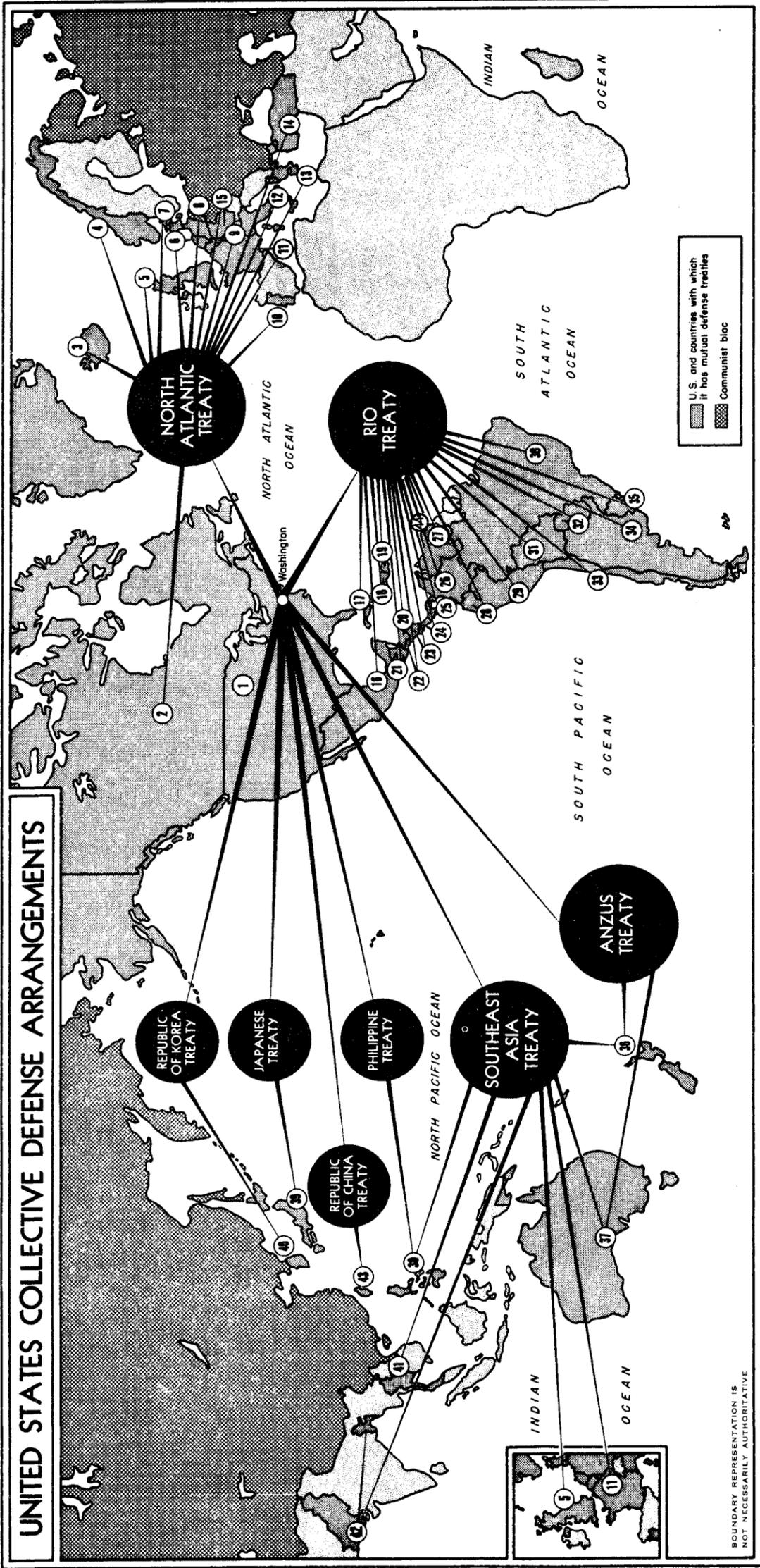








# UNITED STATES COLLECTIVE DEFENSE ARRANGEMENTS



BOUNDARY REPRESENTATION IS NOT NECESSARILY AUTHORITATIVE

57001 9-67

## NORTH ATLANTIC TREATY (15 NATIONS)

A treaty signed April 4, 1949, by which the parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and each of them will assist them individually and in concert with the other Parties, such action as it deems necessary including the use of armed force.

- 1 UNITED STATES
- 2 CANADA
- 3 ICELAND
- 4 NORWAY
- 5 UNITED KINGDOM
- 6 NETHERLANDS
- 7 DENMARK
- 8 BELGIUM
- 9 LUXEMBOURG
- 10 PORTUGAL
- 11 FRANCE
- 12 ITALY
- 13 GREECE
- 14 TURKEY
- 15 FEDERAL REPUBLIC OF GERMANY

## RIO TREATY (22 NATIONS)

A treaty signed September 2, 1947, which provides that an armed attack against any American State shall be considered as an attack against all the American States and each one undertakes to assist in meeting the attack.

- 1 UNITED STATES
- 2 EL SALVADOR
- 3 BRAZIL
- 4 MEXICO
- 5 NICARAGUA
- 6 BOLIVIA
- 7 CUBA
- 8 COSTA RICA
- 9 PARAGUAY
- 10 HAITI
- 11 PANAMA
- 12 CHILE
- 13 DOMINICAN REPUBLIC
- 14 VENEZUELA
- 15 ARGENTINA
- 16 HONDURAS
- 17 ECUADOR
- 18 PERU
- 19 GUATEMALA
- 20 GUATEMALA
- 21 PERU
- 22 TOBAGO

## ANZUS (Australia-New Zealand-United States) TREATY (3 NATIONS)

A treaty signed September 1, 1951, whereby each of the parties recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and that each party agrees that it will act to meet the common danger in accordance with its constitutional processes.

- 1 UNITED STATES
- 2 NEW ZEALAND
- 3 AUSTRALIA

## PHILIPPINE TREATY (BILATERAL)

A treaty signed August 30, 1951, by which the parties recognize that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and that each party agrees that it will act to meet the common danger in accordance with its constitutional processes.

- 1 UNITED STATES
- 2 PHILIPPINES

## JAPANESE TREATY (BILATERAL)

A treaty signed January 19, 1960, whereby each party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and that each party agrees that it will act to meet the common danger in accordance with its constitutional provisions and processes.

- 1 UNITED STATES
- 2 JAPAN

## REPUBLIC OF KOREA TREATY (South Korea) TREATY (BILATERAL)

A treaty signed October 1, 1953, whereby each party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and that each party agrees that it will act to meet the common danger in accordance with its constitutional processes.

- 1 UNITED STATES
- 2 REPUBLIC OF KOREA

## SOUTHEAST ASIA TREATY (8 NATIONS)

A treaty signed September 8, 1954, whereby each Party recognizes that an armed attack in the treaty area against any of the Parties would be dangerous to its own peace and safety and that each party agrees that it will act to meet the common danger in accordance with its constitutional processes.

- 1 UNITED KINGDOM
- 2 FRANCE
- 3 NEW ZEALAND
- 4 AUSTRALIA
- 5 PHILIPPINES
- 6 THAILAND
- 7 PAKISTAN

## REPUBLIC OF CHINA (Formosa) TREATY (BILATERAL)

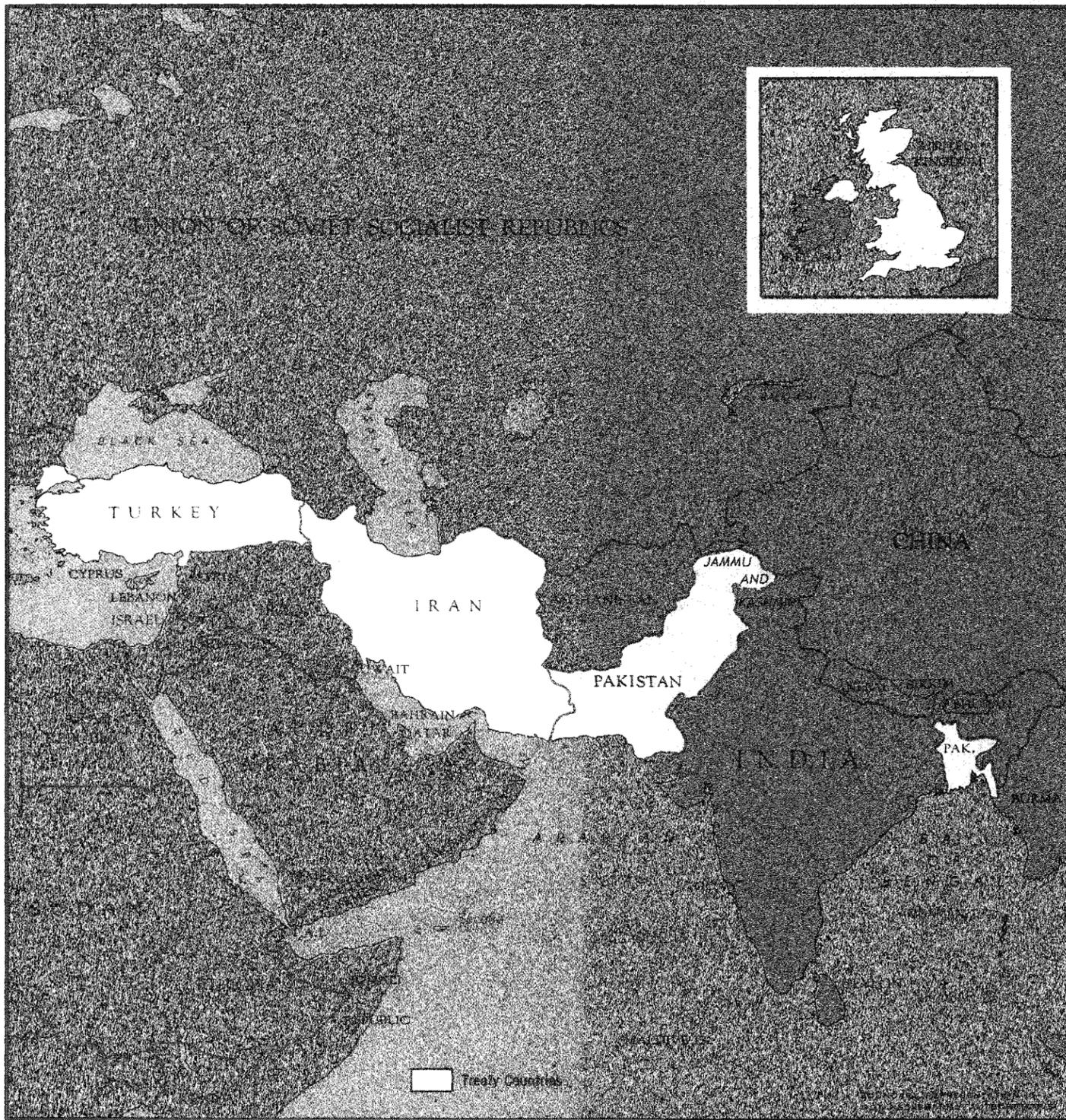
A treaty signed December 2, 1954, whereby each of the parties recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety, and that each party agrees that it will act to meet the common danger in accordance with its constitutional processes. The territory of the Republic of China is defined as "Taiwan (Formosa) and the Pescadores."

- 1 UNITED STATES
- 2 REPUBLIC OF CHINA (FORMOSA)

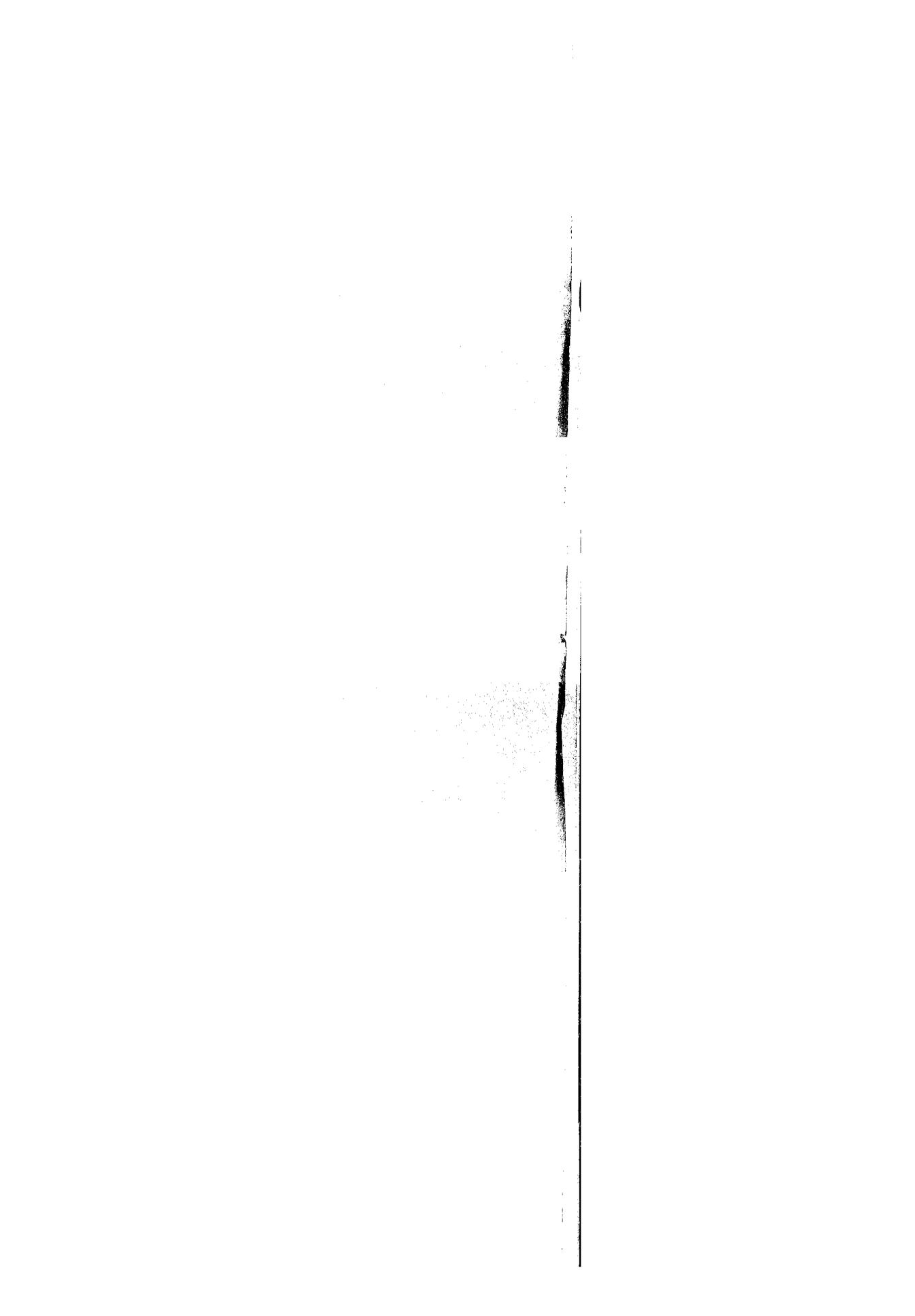


# CENTRAL TREATY ORGANIZATION

CENTO







---

---

COMPARATIVE CHART OF CERTAIN PROVISIONS  
OF REGIONAL COLLECTIVE SECURITY AGREEMENTS

Date in force.  
Parties.  
Peaceful settlement of disputes.  
Mutual aid.  
Consultation.  
Action in the event of armed attack.  
Disposition of forces.  
Treaty area.  
Relationship to United Nations and other treaties.  
Duration.  
Additional members.





**COMPARATIVE CHART OF CERTAIN PROVISIONS OF REGIONAL COLLECTIVE SECURITY AGREEMENTS—Continued**

Name of Treaty	Inter-American Treaty of Reciprocal Assistance	North Atlantic Treaty	Treaty of Mutual Cooperation and Security With Japan	Security Treaty With Republic of New Zealand	Mutual Defense Treaty With Republic of the Philippines	Mutual Defense Treaty With Republic of Korea	Southeast Asia Collective Defense Treaty	Mutual Defense Treaty With Republic of China	
	<p><b>ARTICLE 11</b></p> <p>The consultations to which this Treaty refers shall be carried out by means of the Meetings of Ministers of Foreign Affairs of the American Republics which have ratified the Treaty, or by such other organ as the Parties in the future may be agreed upon.</p> <p><b>ARTICLE 12</b></p> <p>The Governing Board of the Pan American Union may act provisionally as an Organ of Consultation until the meeting of the Organ of Consultation referred to in the preceding Article takes place.</p> <p><b>ARTICLE 13</b></p> <p>The consultation shall be initiated at the request addressed to the Governing Board of the Pan American Union by any of the Signatory States which has ratified the Treaty.</p> <p><b>ARTICLE 14</b></p> <p>The Governing Board of the Pan American Union shall act in all matters concerning this Treaty as an organ of liaison among the Signatory States which have ratified this Treaty and between these States and the United Nations.</p>	<p><b>ARTICLE 4</b></p> <p>The Parties will consult together whenever, in the opinion of any of them the territorial integrity, political independence or security of any of the Parties is threatened.</p> <p><b>ARTICLE 9</b></p> <p>The Parties hereby establish a council, on which each of them shall be represented, to which shall be referred all matters concerning the implementation of this Treaty. The council shall be so organized as to be able to meet promptly at such subsidiary bodies as may be necessary; in particular it shall establish immediately a defense committee which shall recommend measures for the implementation of Articles 3 and 5.</p> <p><b>ARTICLE 12</b></p> <p>After the Treaty has been in force for ten years or at any time thereafter, the Parties shall meet together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security, in the North Atlantic area, including the development of the universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.</p>	<p><b>ARTICLE IV</b></p> <p>The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party or at the request of Japan or either of the other Parties, political independence or security of any of the Parties is threatened.</p> <p><i>Agreed Minute</i></p> <p>The Agreed Minute to the Treaty concerning the implementation of Article 3 of this Treaty, which is attached to the Treaty, provides that in the event of an armed attack against these islands, the two countries will consult.</p>	<p><b>ARTICLE 3</b></p> <p>The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty and the maintenance of the integrity, political independence or security of either of the Parties.</p> <p><b>ARTICLE 7</b></p> <p>The Parties hereby establish a Council, consisting of their Foreign Ministers or their deputies, to which shall be referred all matters concerning the implementation of this Treaty. The Council shall be so organized as to be able to meet at any time.</p>	<p><b>ARTICLE 3</b></p> <p>The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty and the maintenance of the integrity, political independence or security of either of the Parties.</p>	<p><b>ARTICLE 2</b></p> <p>The Parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the Parties is threatened by external armed attack, or when the Parties, separately and jointly, by mutual aid and developing appropriate measures in consultation and agreement to implement this Treaty and to further its purposes.</p>	<p><b>ARTICLE 4</b></p> <p>1. * * *</p> <p>2. If in the opinion of any of the Parties, the inviolability of the territory, the political independence or the sovereignty or political independence of any Party in the treaty area or of any other State or Territory to which the provisions of paragraph 1 of this article from time to time apply is threatened in any way (such as by armed attack or is accorded or might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.</p> <p>3. * * *</p> <p><i>(See also Understanding of the United States of America under heading "Action in the event of armed attack.")</i></p>	<p><b>ARTICLE 4</b></p> <p>The Parties hereby establish a Council, on which each of them shall be represented, to which shall be referred all matters concerning the implementation of this Treaty. The Council shall provide for consultation with regard to military and any other planning as the situation obtaining in the treaty area may from time to time require. The Council shall be so organized as to be able to meet at any time.</p>	<p><b>ARTICLE 4</b></p> <p>The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty.</p>
<b>Consultation</b>	<p>The decisions of the Governing Board of the Pan American Union referred to in Articles 13 and 14 above shall be taken by an absolute majority of the Members entitled to vote.</p> <p><b>ARTICLE 17</b></p> <p>The Organ of Consultation shall take its decisions by a two-thirds majority of the Signatory States which have ratified the Treaty.</p> <p><b>ARTICLE 18</b></p> <p>In the case of a situation or dispute between two or more States which are directly interested shall be excluded from the voting referred to in two preceding Articles.</p> <p><b>ARTICLE 19</b></p> <p>To constitute a quorum in all the meetings referred to in the previous Articles, it shall be necessary that the number of States represented shall be at least equal to the number of votes necessary for the taking of the decision.</p> <p><b>ARTICLE 21</b></p> <p>The measures agreed upon by the Organ of Consultation shall be executed through the procedures and agencies now existing or those which may in the future be established. <i>(See also article under heading "Action in the event of armed attack.")</i></p>								



**COMPARATIVE CHART OF CERTAIN PROVISIONS OF REGIONAL COLLECTIVE SECURITY AGREEMENTS—Continued**

Name of Treaty	Treaty of Mutual Cooperation and Security With Japan	Security Treaty With Australia and New Zealand	Mutual Defense Treaty With Republic of the Philippines	Mutual Defense Treaty With Republic of Korea	Southeast Asia Collective Defense Treaty	Mutual Defense Treaty With Republic of China
<p align="center"><b>ARTICLE 3</b></p> <p>1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of collective self-defense recognized by Article 51 of the Charter of the United Nations.</p> <p>2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the measures which it may individually or jointly take in order to assist the State or States so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.</p> <p>3. The provisions of this Article shall be applied in case of any armed attack which takes place within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall apply.</p> <p>4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.</p>	<p align="center"><b>ARTICLE V</b></p> <p>Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.</p> <p>Any such attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.</p> <p align="center"><i>Agreed Minute</i></p> <p>The Agreed Minute to the Treaty concerning the Islands administered by the United States under Article 3 of the Treaty of Peace with Japan provides that in the event of an armed attack against these islands, the two countries will consult.</p>	<p align="center"><b>ARTICLE 4</b></p> <p>Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.</p> <p>Any such attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.</p>	<p align="center"><b>ARTICLE 4</b></p> <p>Each Party recognizes that an armed attack in the Pacific area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.</p> <p>Any such attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.</p>	<p align="center"><b>ARTICLE 3</b></p> <p>1. Each Party recognizes that an armed attack in the Pacific area on either of the Parties or on any territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes.</p> <p>2. Measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.</p> <p>3. It is understood that no action on the territory of any State designated by paragraph 1 of this Article shall be taken under this Article or on any territory so designated without the consent of the government concerned.</p> <p align="center"><i>Understanding of the United States of America</i></p> <p>The United States of America, in executing the present Treaty does so with the understanding that its recognition of the effect of paragraph 1, apply only to communist aggression or armed attack that will consult under the provisions of Article 4, paragraph 2.</p>	<p align="center"><b>ARTICLE 5</b></p> <p>Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.</p> <p>Any such attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.</p>	<p align="center"><b>ARTICLE 5</b></p> <p>Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.</p> <p>Any such attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.</p>
<p align="center"><b>ARTICLE 6</b></p> <p>In the case of a conflict between two or more States in which one of the Parties to the High Contracting Parties, meeting in consultation with the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the <i>status quo ante bellum</i>, and shall take in addition all other necessary measures to bring about a cessation of hostilities, peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.</p>	<p align="center"><b>ARTICLE 6</b></p> <p>If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack and which, in fact, or in fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the common danger for the maintenance of the peace and security of the Continent.</p>	<p align="center"><b>ARTICLE 7</b></p> <p>In the case of a conflict between two or more States in which one of the Parties to the High Contracting Parties, meeting in consultation with the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the <i>status quo ante bellum</i>, and shall take in addition all other necessary measures to bring about a cessation of hostilities, peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.</p>	<p align="center"><b>ARTICLE 7</b></p> <p>In the case of a conflict between two or more States in which one of the Parties to the High Contracting Parties, meeting in consultation with the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the <i>status quo ante bellum</i>, and shall take in addition all other necessary measures to bring about a cessation of hostilities, peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.</p>	<p align="center"><b>ARTICLE 7</b></p> <p>In the case of a conflict between two or more States in which one of the Parties to the High Contracting Parties, meeting in consultation with the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the <i>status quo ante bellum</i>, and shall take in addition all other necessary measures to bring about a cessation of hostilities, peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.</p>	<p align="center"><b>ARTICLE 7</b></p> <p>In the case of a conflict between two or more States in which one of the Parties to the High Contracting Parties, meeting in consultation with the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the <i>status quo ante bellum</i>, and shall take in addition all other necessary measures to bring about a cessation of hostilities, peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.</p>	<p align="center"><b>ARTICLE 7</b></p> <p>In the case of a conflict between two or more States in which one of the Parties to the High Contracting Parties, meeting in consultation with the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the <i>status quo ante bellum</i>, and shall take in addition all other necessary measures to bring about a cessation of hostilities, peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.</p>

Action in the event of armed attack











## **PERTINENT STATUS OF FORCES AGREEMENTS**

---

### **AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES, WITH APPENDIX**

Signed at London June 19, 1951; Ratification advised by the Senate of the United States of America, with statement, July 15, 1953; Ratified by the President of the United States of America, subject to said statement, July 24, 1953; Ratification of the United States of America deposited at Washington July 24, 1953; Proclaimed by the President of the United States of America October 27, 1953; Entered into force August 23, 1953

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949;

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned;

Desiring, however, to define the status of such forces while in the territory of another Party;

Have agreed as follows:

#### **ARTICLE I**

1. In this Agreement the expression—

(a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties; provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;

(b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located;

(c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

(d) "sending State" means the Contracting Party to which the force belongs;

(e) "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;

(f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components;

(g) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

2. This Agreement shall apply to the authorities of political subdivisions of the Contracting Parties, within their territories to which the Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political sub-divisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

#### ARTICLE II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

#### ARTICLE III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

(a) personal identity card issued by the sending State showing names, date of birth, rank and number (if any), service, and photograph;

(b) individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organisation and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or of a civilian component leaves the employ of the sending State and is not repatriated, the authorities

of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than twenty-one days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

#### ARTICLE IV

The receiving State shall either

(a) accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or

(b) issue its own driving permit or license to any member of a force or civilian component who holds a driving permit or license or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

#### ARTICLE V

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

#### ARTICLE VI

Members of a force may possess and carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

#### ARTICLE VII

1. Subject to the provisions of this Article,

(a) the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;

(b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their

dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2.—(a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

(b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to

(i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;

(ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

5.—(a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6.—(a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7.—(a) A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

(b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled—

(a) to a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;

(e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;

(f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

10.—(a) Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

(b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving

State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

#### ARTICLE VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage—

(i) was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connexion with the operation of the North Atlantic Treaty; or

(ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services, provided either that the vehicle, vessel or aircraft causing the damage was being used in connexion with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salvaged was owned by a Contracting Party and being used by its armed services in connexion with the operation of the North Atlantic Treaty.

2.—(a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e)(i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than:—

Belgium: B.fr. 70,000.  
 Canada: \$1,460.  
 Denmark: Kr. 9,670.  
 France: F.fr. 490,000.  
 Iceland: Kr. 22,800.  
 Italy: Li. 850,000.

Luxembourg: L.fr. 70,000.  
 Netherlands: Fl. 5,320.  
 Norway: Kr. 10,000.  
 Portugal: Es. 40,250.  
 United Kingdom: £500.  
 United States: \$1,400.

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:—

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

(b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.

(d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with subparagraphs (e) (i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and paragraph 2 of this Article shall be distributed between the Contracting Parties, as follows:—

(i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the pro-

portion of 25 per cent. chargeable to the receiving State and 75 per cent. chargeable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

(iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned: however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.

(iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

(f) In cases where the application of the provisions of sub-paragraphs (b) and (e) of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.

(g) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a manner arising from the performance of his official duties.

(h) Except in so far as sub-paragraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner:—

(a) The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorised use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty or as to whether the use of any vehicle of the armed services of a sending State was unauthorised, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5(g) of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

#### ARTICLE IX

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. Subject to agreements already in force or which may hereafter be made between the authorised representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary pay-

ments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, of this Article shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

#### ARTICLE X

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.

4. For the purposes of this Article the term "member of a force" shall not include any person who is a national of the receiving State.

#### ARTICLE XI

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their de-

pendents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2.—(a) The temporary importation and the re-exportation of service vehicles of a force or civilian component under their own power shall be authorised free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement.

(b) The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8.

(c) Service vehicles of a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with paragraph 2(b) of Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorised by the sending State for that purpose. The designation of the person authorised to sign the certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.

5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty for the term of such service.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 2(b), 4, 5 or 6 above—

(a) may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office:

the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2(b), 4, 5 or 6 as the case may be;

(b) shall not normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1-10 of this Article—

“duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered;

“importation” includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.

13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State, but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression “receiving State” in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

#### ARTICLE XII

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

## ARTICLE XIII

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

## ARTICLE XIV

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

## ARTICLE XV

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

## ARTICLE XVI

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

## ARTICLE XVII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

## ARTICLE XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

## ARTICLE XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

## ARTICLE XX

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.

2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making the declaration considers it to be necessary, to the conclusion of a

special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

APPENDIX

Country Ministry or Service

TRIPTYQUE\*

Valid from To

for temporary importation to  
of the following service vehicle:—

Type

-----  
Registration Number

Engine Number  
-----

Spare tyres

Fixed Communication Equipment  
-----

Name and signature of the holder of the triptyque

Date of issue

-----  
By order of  
-----

\*This document shall be in the language of the sending State and in the English and French languages

TEMPORARY EXITS AND ENTRIES

<i>Name of Port or Customs Station</i>	<i>Date</i>	<i>Signature and Stamp of Customs Officer</i>
Exit		
-----		
Entry		
-----		
Exit		
-----		
Entry		
-----		
Exit		
-----		
Entry		
-----		
Exit		
-----		
Entry		
-----		

The Senate of the United States of America by its resolution of July 15, 1953, advised and consented to the ratification of the NATO Status of Forces Agreement with the following statement:

"It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the Agreement, that nothing in the Agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security, and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States.

"In giving its advice and consent to ratification, it is the sense of the Senate that:

1. The criminal jurisdiction provisions of Article VII do not constitute a precedent for future agreements;

2. Where a person subject to the military jurisdiction of the United States is to be tried by the authorities of a receiving state, under the treaty the Commanding Officer of the Armed forces of the United States in such state shall examine the laws of such state with particular reference to the procedural safeguards contained in the Constitution of the United States;

3. If, in the opinion of such commanding officer, under all the circumstances of the case, there is danger that the accused will not be protected because of the absence or denial of constitutional rights he would enjoy in the United States, the commanding officer shall request the authorities of the receiving state to waive jurisdiction in accordance with the provisions of paragraph 3 (c) of Article VII (which requires the receiving state to give 'sympathetic consideration' to such request) and if such authorities refuse to waive jurisdiction, the commanding officer shall request the Department of State to press such request through diplomatic channels and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives;

4. A representative of the United States to be appointed by the Chief of Diplomatic Mission with the advice of the senior United States military representative in the receiving state will attend the trial of any such person by the authorities of a receiving state under the agreement, and any failure to comply with the provisions of paragraph 9 of Article VII of the agreement shall be reported to the commanding officer of the armed forces of the United States in such state who shall then request the Department of State to take appropriate action to protect the rights of the accused, and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives."

The Agreement was duly ratified by the President of the United States of America on July 24, 1953, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid statement.

**EXCERPTS FROM AGREEMENT OF APRIL 27, 1951; BETWEEN  
THE UNITED STATES OF AMERICA AND DENMARK CON-  
CERNING STATUS OF UNITED STATES FORCES IN GREEN-  
LAND <sup>1</sup>**

Signed at Copenhagen April 27, 1951; Entered into force  
June 8, 1951

**ARTICLE VII.**

(1) All materials, equipment, and supplies required in connection with operations under this Agreement, including food, stores, clothing, and other goods intended for use or consumption by members of United States armed forces and civilians employed by or under a contract with the Government of the United States of America for the performance of work in Greenland in connection with operations under this Agreement, and members of their families, and the personal and household effects of such military and civilian personnel, shall be permitted entry into Greenland free of inspection, customs duties, excise taxes or other charges; and no export tax shall be charged on such materials, equipment, supplies or effects in the event of shipment from Greenland.

(2) The aforesaid military and civilian personnel, and members of their families, shall be exempt from all forms of taxation, assessments or other levies by the Government of the Kingdom of Denmark or by the Danish authorities in Greenland. No national of the United States of America or corporation organized under the laws of the United States of America shall be liable to pay income tax to the Government of the Kingdom of Denmark or to the Danish authorities in Greenland in respect of any profits derived under a contract made with the Government of the United States of America in connection with operations under this Agreement or any tax in respect of any service or work for the Government of the United States of America in connection with operations under this Agreement.

**ARTICLE VIII.**

The Government of the United States of America shall have the right to exercise exclusive jurisdiction over those defense areas in Greenland for which it is responsible under Article II (3), and over any offenses which may be committed in Greenland by the aforesaid military or civilian personnel or by members of their families, as well as over other persons within such defense areas except Danish nationals, it being understood, however, that the Government of the United States of America may turn over to the Danish authorities in Greenland for trial any person committing an offense within such defense areas.

<sup>1</sup> See p. 186 for text of remaining articles of this agreement.

## ARTICLE IX.

The laws of the Kingdom of Denmark shall not operate to prevent the admission to or departure from the defense areas or other localities in Greenland of any military or civilian personnel whose presence in such defense areas or other localities in Greenland is required in connection with operations under this Agreement, or of members of their families.

## ARTICLE X.

Upon the coming into force of a NATO agreement to which the two Governments are parties pertaining to the subjects involved in Articles VII, VIII and IX of this Agreement, the provisions of the said articles will be superseded by the terms of such agreement to the extent that they are incompatible therewith. If it should appear that any of the provisions of such NATO agreement may be inappropriate to the conditions in Greenland, the two Governments will consult with a view to making mutually acceptable adjustments.

**ANNEX TO THE AGREEMENT OF MAY 5, 1951,<sup>1</sup> BETWEEN  
THE UNITED STATES OF AMERICA AND ICELAND ON THE  
STATUS OF UNITED STATES PERSONNEL AND PROPERTY**

Signed at Reykjavik May 8, 1951; Entered into force  
May 8, 1951

**ANNEX ON THE STATUS OF UNITED STATES PERSONNEL AND PROPERTY**

**ARTICLE 1**

In this annex, the expression "United States Forces" includes personnel belonging to the armed services of the United States and accompanying civilian personnel who are in the employ of such services and are not nationals of nor ordinarily resident in Iceland, all such personnel being in the territory of Iceland in connection with operations under this Agreement.[<sup>1</sup>]

**ARTICLE 2**

1. (a) The United States military courts will on no occasion have jurisdiction in Iceland over nationals of Iceland or other persons who are not subject to the military laws of the United States.

(b) It is the duty of members of the United States forces and their dependents in Iceland to respect the laws of Iceland and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Iceland. The United States will take appropriate measures to that end.

2. Subject to the provisions of this Article,

(a) the military authorities of the United States shall have the right to exercise within Iceland all jurisdiction and control conferred on them by the laws of the United States over all persons subject to the military law of the United States.

(b) the authorities of Iceland shall have jurisdiction over the members of the United States forces with respect to offenses committed within Iceland and punishable by the law of Iceland.

3. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses relating to its security, but not to that of Iceland, and to all acts punishable by the law of the United States, but not by the law of Iceland.

(b) The authorities of Iceland shall have the right to exercise exclusive jurisdiction over members of the United States forces with respect to offenses relating to the security of Iceland, but not to the security of the United States, and to all acts punishable by the law of Iceland, but not by the law of the United States.

<sup>1</sup> Text on p. 191.

(c) A security offense against Iceland or the United States shall include

1. Treason

2. Sabotage, espionage or violation of any law relating to official secrets of Iceland or the United States, or secrets relating to the national defense of Iceland or the United States.

4. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over a member of the United States forces in relation to

1. offenses solely against the property of the United States or offenses solely against the person or property of another member of the United States forces or of a dependent of a member of such force

2. offenses arising out of any act done in the performance of official duty.

(b) In the case of any other offense the authorities of Iceland shall have the primary right to exercise jurisdiction.

(c) If the United States or Iceland, whichever has the primary right, decides not to exercise jurisdiction, it shall notify the authorities of the United States or Iceland, as the case may be, as soon as practicable. The authorities of the United States or of Iceland, whichever has the primary right, shall give sympathetic consideration to a request from the authorities of the United States or Iceland, as the case may be, for a waiver of its rights in cases where the authorities of the other country considers such waiver to be of particular importance.

5. A death sentence shall not be carried out in Iceland by the authorities of the United States.

6. (a) The authorities of the United States and Iceland shall assist each other in the arrest of members of the United States forces and their dependents who commit offenses in Iceland and in handing them over to the authorities which are to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Iceland shall notify promptly the military authorities of the United States of the arrest in Iceland of any members of the United States forces or of their dependents.

(c) The custody of an accused over whom Iceland is to exercise jurisdiction shall, if he is in the hands of the authorities of the United States, remain in the hands of such authorities until he is charged by Iceland.

7. (a) If a member of the United States forces is accused of an offense the appropriate authorities of the United States and Iceland will render mutual assistance in the necessary investigation into the offense and trial of the offender.

(b) If the case is one within the jurisdiction of the United States, the authorities of Iceland will themselves carry out the necessary arrangements to secure the presence of and obtain evidence from Icelandic nationals and other persons in Iceland, except from members of the United States forces and their dependents, outside the agreed areas. In cases where it is necessary under the laws of the United States for the authorities of the United States to obtain themselves information from Icelandic nationals, the Icelandic authorities will make all possible arrangements to secure the attendance of such

nationals for interrogation in the presence of Icelandic authorities at places designated by them.

The military authorities will, in a similar manner, carry out the collection of evidence from members of the United States forces and their dependents in the case of an offense within the jurisdiction of the Icelandic authorities.

(c) The authorities of the United States and of Iceland shall notify one another of the results of all investigations and trials in cases where there are concurrent rights to exercise jurisdiction.

8. Where a member of the United States force or dependent of a member thereof has been tried by the authorities of the United States and has been acquitted, or has been convicted and is serving or has served his sentence, he may not be tried again for the same offense by the authorities of Iceland.

9. Whenever a member of the United States force or a dependent of a member thereof is prosecuted under the jurisdiction of Iceland, he shall be entitled:

- (a) to a prompt and speedy trial;
- (b) to be informed in advance of trial of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favor, if within the jurisdiction of Iceland;
- (e) to defense by a qualified advocate or counsel of his own choice, or, failing such choice, appointed to conduct his defense;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of his government and, when the rules of the court permit, to have such a representative present at his trial.

10. The United States forces shall have the right to police the agreed areas and to take all appropriate measures to insure the maintenance of discipline, order and security in such areas. Outside the agreed areas, military members of the United States forces shall be employed in police duties subject to arrangements with the authorities of Iceland and jointly with those authorities, and insofar as such employment is necessary to maintain discipline and order among the members of the United States forces and the dependents of members thereof.

The Icelandic authorities with whom members of the United States forces may be so employed shall have paramount authority with respect to the person or property of Icelandic nationals and other persons of non-Icelandic nationality, except members of the United States forces and their dependents and non-Icelandic employees of contractors of the United States, involved in any matter concerning the maintenance of order and discipline referred to above outside the agreed areas.

#### ARTICLE 3

1. Iceland shall either:

- (a) accept as valid, without driving test or fee, the driving permit or license or military driving permit issued by the United States or a sub-division thereof to a member of the United States forces or his dependents, or
- (b) issue its own driving permit or license without test or fee to a member of the United States forces or his dependents who

holds a driving permit or license issued by the United States or a sub-division thereof.

2. The United States authorities, in cooperation with Icelandic authorities, will issue appropriate instructions to members of the United States forces and their dependents fully informing them of the Icelandic traffic laws and regulations and requiring strict compliance therewith.

#### ARTICLE 4

1. Military members of the United States forces shall normally wear a uniform.

2. Service vehicles of the United States forces shall carry in addition to the registration number, a distinctive nationality mark.

3. The United States authorities will deliver to the appropriate Icelandic authorities a list of all vehicles, the registration numbers and the names of the owners thereof.

#### ARTICLE 5

United States forces in Iceland may carry arms as required in the performance of official duties within the agreed areas. United States forces may carry arms outside the agreed areas in Iceland only in the performance of official duties or in case of military necessity, unless otherwise agreed by the appropriate authorities of Iceland.

#### ARTICLE 6

1. Members of the United States forces and their dependents may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as nationals of Iceland.

2. Goods purchased locally which are required for the subsistence of the United States forces will normally be purchased through such agency of the Government of Iceland as may be designated by Iceland in order to avoid such purchase having an adverse effect on the economy of Iceland.

3. In regard to paragraphs 1. and 2. above, the competent authorities of Iceland will indicate when necessary any articles the purchase of which should be restricted or forbidden, and the United States authorities will give due consideration to such request.

4. The United States desires to employ qualified Icelandic civilians to the maximum extent practicable in connection with activities under this Agreement. To the extent that Iceland shall consent to the employment of Icelandic civilians by the United States such employment shall be effected with the assistance of and through a representative or representatives designated by Iceland. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers shall be those laid down by Icelandic law and practices.

5. The United States and Iceland will cooperate in suppressing and preventing any illegal activities and in preventing any undue interference with the Icelandic economy.

## ARTICLE 7

1. The temporary presence in Iceland of a member of the United States forces or of any dependent of such member, or of any non-Icelandic national employed in Iceland in connection with the operations under this Agreement and present in Iceland only by reason of such employment shall constitute neither residence nor domicile therein and shall not of itself subject him to taxation in Iceland, either on his income or on his property the presence of which in Iceland is due to his temporary presence there, nor, in the event of his death, shall it subject his estate to a levy of death duties.

2. No national of the United States or corporation organized under the laws of the United States, resident in the United States, shall be liable to pay Icelandic income tax in respect of any income derived under a contract with the United States in connection with operations under this Agreement.

3. No tax or other charge of any nature shall be levied or assessed on material, equipment, supplies, or goods, including personal effects, household goods, privately owned automobiles and clothing which has been brought into Iceland in connection with operations under this Agreement. No such tax or charge shall be levied or assessed on property procured in Iceland by United States authorities for the use of the United States or its agents or for the use of personnel present in Iceland only in connection with operations under this Agreement.

## ARTICLE 8

1. Save as provided expressly to the contrary in this Agreement, members of the United States forces as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of Iceland. In particular the customs authorities of Iceland shall have the right, under the general conditions laid down by the laws and regulations of Iceland, to search members of the United States forces and their dependents and non-Icelandic nationals who are contractors or employees of a contractor of the United States and to examine their luggage and vehicles and to seize articles pursuant to such laws and regulations.

2. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order. This movement order shall show the number of dispatches carried and certify that they contain only official documents.

3. The authorities of the United States forces may import free of duty the equipment for their forces and reasonable quantities of provisions, supplies and other goods for the exclusive use of the forces and their dependents and for non-Icelandic nationals who are contractors or employees of a contractor of the United States. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with the customs documents, of a certificate signed by an official of the United States forces authorized for that purpose. The list of the officials authorized to sign the certificates as well as specimens of their signatures and the stamps used, shall be sent to the customs administration of Iceland.

4. Members of the United States forces and their dependents may at the time of first arrival to take up service in Iceland import free of duty for the term of such service their personal effects and furniture.

5. Members of the United States forces and their dependents may import temporarily free of duty their private motor vehicles for their personal use.

6. Imports, other than those dealt with in paragraphs 4. and 5. of this Article, effected by members of the United States forces and their dependents, including shipments through United States Post Offices, are not, by reason of this article, entitled to any exemption from duty or other conditions.

7. Goods which have been imported duty-free under paragraphs 3, 4 or 5 above:

(a) may be re-exported freely, provided that, in the case of goods imported under paragraph 3, a certificate, issued in accordance with that paragraph, is presented to the customs office. The customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 3, 4 or 5 as the case may be.

(b) shall not be disposed of in Iceland by way of sale, gift or barter. However, in particular cases such disposal may be authorized on conditions imposed by the customs authorities (for instance on payment of duty and tax and compliance with the requirements of the controls of trade and exchange). The United States authorities will prescribe and enforce to the extent possible regulations designed to prevent the sale or supply to individual members of the United States forces and their dependents and non-Icelandic nationals who are employees of a contractor of the United States of quantities of goods imported into Iceland by the United States authorities by any means free of charge which would be in excess of the personal requirements of such personnel and which, in consultation with Icelandic authorities, are determined to be most likely to become items of gift, barter or sale in Iceland.

8. Goods purchased in Iceland shall be exported therefrom only in accordance with the regulations in force in Iceland.

9. Special arrangements shall be made by Iceland so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of the United States forces and non-Icelandic contractors of the United States, may be delivered free of all duties and taxes.

10. In paragraphs 1-8 of this Article "duty" means customs duties and all other duties and taxes payable on importation or exportation, as the case may be.

11. The customs or fiscal authorities of Iceland may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

#### ARTICLE 9

1. In order to prevent offenses against customs and fiscal laws and regulations, the customs and fiscal authorities of the United States and Iceland shall assist each other in the conduct of inquiries and the collection of evidence.

2. The authorities of the United States forces shall render all assistance within their power to insure that articles liable to seizure

by, or on behalf of, the customs or fiscal authorities of Iceland are handed to those authorities.

3. The authorities of the United States forces shall render all assistance within their power to insure the payment of duties, taxes and penalties payable by members of the United States forces or their dependents.

4. Service vehicles and articles belonging to the United States forces seized by the authorities of Iceland in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the United States forces.

#### ARTICLE 10

The United States forces and their members and dependents shall comply with the foreign exchange regulations of Iceland. Special arrangements shall be entered into between the appropriate authorities of Iceland and the United States to obviate the use of United States currency in paying personnel and to permit United States forces to acquire Icelandic currency at official rates of exchange and to convert such currency in reasonable amounts on leaving Iceland.

#### ARTICLE 11

The Government of Iceland will extend to the forces of any Government signatory to the North Atlantic Treaty,<sup>2</sup> when such forces are stationed in Iceland, the same privileges extended to the United States forces by the preceding Articles of this Annex upon the request of the Government concerned.

#### ARTICLE 12

1. (a) The United States waives all claims against the Government of Iceland for damage to any property owned by it and used by the United States forces and for injury to or death of members of the United States forces caused by an employee of the Government of Iceland.

(b) The Government of Iceland waives all claims against the United States for damage to property owned by it in any of the agreed areas and will make compensation and waive all claims against the United States for injury or death of an employee of the Government of Iceland occurring in such area while such employee is therein by reason of his duties, as determined by representatives of the United States and Iceland to be appointed by each, when such damage, injury or death is caused by a member of the United States forces. The Government of Iceland also waives all claims for damage to any property owned by it and for injury to or death of an employee of the Government of Iceland occurring outside any of the agreed areas caused by a member of the United States forces when it is determined by representatives of the United States and Iceland, to be appointed by each, that such property or employee was, at the time of said damage, injury or death, being utilized or employed in any respect with carrying out the provisions of this Agreement.

<sup>2</sup> See p. 76 for the North Atlantic Treaty.

(c) The United States and Iceland waive all their claims against each other for damage to a vessel owned by the United States or Iceland while such vessel is being used in connection with the operation of this Agreement, wherever such damage shall occur, and whether it is caused by a member of the United States forces or by an employee of the Government of Iceland. Claims for maritime salvage by the United States or Iceland shall be waived, provided that the vessel or cargo salvaged was owned by the United States or Iceland as the case may be, in connection with the operation of this Agreement.

(d) For the purpose of this paragraph the expressions "owned by the United States," "owned by Iceland" or "owned by the United States or Iceland" include a vessel on bare boat charter to the United States or Iceland, as the case may be or requisitioned by either government on bare boat terms or otherwise in the possession of the United States or Iceland (except to the extent that the risk of loss or liability is borne by some person other than the United States or Iceland or its insurer).

2. Claims (other than contractual claims) arising out of acts done by members of the United States forces and causing damage to, or loss or destruction of, the property of persons or bodies in Iceland or the injury or death of individuals therein except as provided in the preceding paragraph, shall be settled by Iceland in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of Iceland with respect to claims arising from acts of its own employees.

(b) Iceland may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Iceland in its currency.

(c) Such payment, or the final adjudication of the competent tribunals of Iceland denying payment, shall be binding and conclusive upon the United States and Iceland.

(d) Every claim paid by Iceland shall be communicated to the United States military authorities together with full particulars.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs shall be distributed between the United States and Iceland as follows:

(1) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 15% chargeable to Iceland and 85% chargeable to the United States.

(2) Where members of the United States forces and nationals of Iceland contribute to the damage, the amount awarded or adjudged shall be distributed equally between the United States and Iceland.

(3) Every half-year, a statement of the sums paid by Iceland in the course of the half-yearly period in respect of every case shall be sent to the United States together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of Iceland.

(f) A member of the United States forces shall not be subject to any suit with respect to claims arising by reason of an act done which is within the purview of this paragraph.

3. Claims presented by a national of any country at war with the United States or by an ally of such enemy country and claims resulting from action by the enemy or resulting directly or indirectly from any

act by the United States forces engaged in combat are not considered to be within the provisions of this Article.

4. The military authorities of the United States and the appropriate officials of Iceland shall cooperate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the United States and Iceland are concerned.

5. The United States undertakes to procure the legislation necessary to implement its responsibilities as set forth in this Article.

DONE at Reykjavik, May 8, 1951.

EDWARD B. LAWSON

BJARNI BENEDIKTSSON

**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA  
AND CANADA REGARDING APPLICATION OF NATO STATUS  
OF FORCES AGREEMENT TO UNITED STATES FORCES  
AT LEASED BASES**

Effectuated by exchange of notes; Signed at Washington April  
28 and 30, 1952; Entered into force September 27, 1953

*The Secretary of State to the Canadian Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

*April 28 1952*

**EXCELLENCY:**

I have the honor to refer to recent negotiations between representatives of our Governments at which agreement was reached regarding the application of the North Atlantic Treaty Organization Status of Forces Agreement (signed June 19, 1951) to the United States Forces at the leased bases in Newfoundland and at Goose Bay, Labrador.

In common with the Government of Canada, the United States Government wishes the NATO Status of Forces Agreement to apply to all United States forces throughout Canada, including those at the leased bases, when, pursuant to Article 18, the NATO Status of Forces Agreement has come into effect in respect of both Canada and the United States. As the Canadian Government is aware, however, the United States Government attaches great importance to the maintenance of certain arrangements at the leased bases under the Leased Bases Agreement of 1941,<sup>[1]</sup> as modified <sup>[2]</sup> as a result of the recommendations of March 30, 1950 by the Permanent Joint Board on Defense. These arrangements concern the operation of institutions under government control known as post exchanges, ships service stores, commissary stores and service clubs for the use of the United States forces, civilian employees who are United States nationals employed by the United States Government in connection with the bases or members of their families resident with them and not engaged in any business or occupation in Canada. The provisions of the Leased Bases Agreement concerning tax and customs exemptions, modified in accordance with the recommendations of the Permanent Joint Board on Defense, are also satisfactory. The United States Government does not, therefore, wish to alter these arrangements.

Subject to the concurrence of the Canadian Government in the foregoing, the United States Government agrees that the NATO Status of Forces Agreement should be made applicable to all United States forces in Canada, including those at the leased bases and at Goose Bay, it being understood that those provisions of the Leased Bases Agreement which deal with the matters covered in the NATO Status of Forces Agreement will be held in abeyance until the NATO Status of Forces Agreement is terminated through expiration or denunciation. It is understood that the provisions of the Leased

<sup>1</sup> Dated Mar. 27, 1941. Executive Agreement Series 235; 55 Stat. 1560.

<sup>2</sup> TIAS 2105; 1 UST 585; and TIAS 2431; 3 UST 2644.

Bases Agreement dealing with matters not covered in the NATO Status of Forces Agreement will be unaffected.

Both the United States Government and the Canadian Government agree that uniform treatment of United States forces throughout Canada under the NATO Status of Forces Agreement would be in the interests of both countries and would make for simplification of administration.

If the foregoing is acceptable to your Government, this note and your reply thereto shall constitute an agreement between our Governments, to come into force when the NATO Status of Forces Agreement has come into effect in respect of both Canada and the United States.<sup>3]</sup>

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

DEAN ACHESON

His Excellency  
HUME WRONG,  
*Ambassador of Canada.*

---

*The Canadian Ambassador to the Secretary of State*

CANADIAN EMBASSY

AMBASSADE DU CANADA

WASHINGTON, D.C.,  
*April 30, 1952.*

No. 310

SIR,

I have the honour to refer to your note dated April 28 and to confirm that the Canadian Government agrees that when the NATO Status of Forces Agreement has come into effect in respect to both Canada and the United States it shall be made applicable to all United States forces in Canada, including those at the leased bases in Newfoundland and at Goose Bay. The Canadian Government also confirms the understanding that those provisions of the Leased Bases Agreement which deal with the matters covered in the NATO Status of Forces Agreement will be held in abeyance until the NATO Status of Forces Agreement is terminated through expiration or denunciation, and that the provisions of the Leased Bases Agreement dealing with matters not covered in the NATO Status of Forces Agreement will be unaffected.

The Canadian Government notes the importance attached by the United States Government to the maintenance of certain arrangements at the leased bases under the Leased Bases Agreement of 1941, as modified as a result of the recommendations of March 30, 1950 by the Permanent Joint Board on Defense. The Canadian Government agrees, therefore, that the NATO Status of Forces Agreement shall not affect these arrangements.

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

H H WRONG

The Honourable DEAN ACHESON,  
*Secretary of State of the  
United States of America,  
Washington, D.C.*

---

<sup>3</sup> Sept. 27, 1953.

**AGREEMENT, WITH ANNEX, BETWEEN THE UNITED STATES  
OF AMERICA AND THE NETHERLANDS REGARDING STA-  
TIONING OF UNITED STATES ARMED FORCES IN THE  
NETHERLANDS**

Agreement, with annex; Effected by exchange of notes  
signed at The Hague August 13, 1954; Entered into force  
November 16, 1954

*The American Ambassador to the Netherlands Minister for Foreign  
Affairs and the Netherlands Minister without Portfolio*

No. 73

**EXCELLENCIES:**

I have the honor to refer to our recent discussions regarding the manner in which our two Governments, as parties to the North Atlantic Treaty, may further the objectives of Article III of that Treaty to strengthen their individual and collective capacity to resist armed attack through the stationing of United States armed forces in The Netherlands. I have the honor to inform Your Excellencies that the Government of the United States is willing to conclude with the Government of The Netherlands an agreement on the following terms.

1. The Governments of the United States and the Netherlands agree that the United States Government may station its forces in The Netherlands, as may be mutually determined, in furtherance of the objectives of the North Atlantic Treaty.

2. The Netherlands Government will, without cost to the United States, provide land areas and utilities connections, including access roads, agreed to be necessary for the purposes of this agreement. The other expenses involved in carrying out this agreement shall be borne by the United States and the Netherlands Governments in proportions to be determined between them. Use of the utilities and services required by United States forces will be facilitated by the Netherlands Government. When at the expense of the United States Government, charges for the use of such utilities and charges for services requested and rendered will be no higher than those paid by the Netherlands armed services.

3. Title to removable equipment, materials and supplies brought into, or acquired in, The Netherlands by or on behalf of the United States in connection with this agreement will remain in the United States Government. This property will be free from all duties, inspections and other restrictions, whether on import or export, and from all taxes. At the termination of any operation under this agreement, the United States will be compensated by the Netherlands Government for the residual value, if any, of installations developed at the expense of the United States under this agreement. The amount and manner of compensation shall be determined between the appropriate authorities of the two Governments.

4. The provisions of the Agreement signed at London on June 19, 1951, Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, together with such understandings as the two Governments may reach concerning the implementation of these provisions, shall govern the status of United States forces in The Netherlands.[<sup>1</sup>]

5. It is recognized that the provisions of the exchange of notes on relief from taxes signed at The Hague on March 7, 1952, as supplemented, are applicable to expenditures made by or on behalf of the United States for the purposes of this agreement.

6. The arrangements referred to in this note will remain in effect for the duration of the North Atlantic Treaty, or until such time as the two Governments mutually agree upon their termination.

7. After the approval constitutionally required in The Netherlands has been obtained, the present agreement shall enter into force on the date of receipt by the United States Government of a relevant notification from the Netherlands Government.[<sup>2</sup>]

If the foregoing provisions and the Annex attached hereto are acceptable to your Government, this note and Your Excellencies' reply thereto indicating such acceptance shall be honored as constituting the agreement of our two Governments concerning this matter.

Please accept, Excellencies, the renewed assurances of my highest consideration.

H. FREEMAN MATTHEWS

AMERICAN EMBASSY,  
*The Hague, August 13, 1954.*

Their Excellencies

J. W. BEYEN, *Minister for Foreign Affairs,*

and

J. M. A. H. LUNS, *Minister without Portfolio,*  
*Royal Netherlands Ministry*  
*for Foreign Affairs,*  
*The Hague.*

#### ANNEX

With respect to paragraph 4 of the exchange of notes dated August 13, 1954, the United States Government and The Netherlands Government have reached the following understandings between them concerning the implementation in The Netherlands of the Agreement signed at London on June 19, 1951, Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces.

1. The expression "dependent" in paragraph 1 (c) of Article I also includes relatives who habitually reside with and are actually dependent on a member of a United States force or civilian component.

2. The Netherlands authorities do not require the countersignature of movement orders referred to in paragraph 2 (b) of Article III.

3. The Netherlands authorities recognizing that it is the primary responsibility of the United States authorities to maintain good order and discipline where persons subject to United States military law are concerned will, upon the request of the United States authorities,

<sup>1</sup>TIAS 2563, 3120. 3 UST, pt. 3, p. 4183; 5 UST, pt. 3, p. 566.  
<sup>2</sup> Notification received Nov. 16, 1954.

waive their primary right to exercise jurisdiction under Article VII, except where they determine that it is of particular importance that jurisdiction be exercised by the Netherlands authorities. The United States assumes the responsibility for custody pending trial. The United States authorities will make these people immediately available to Netherlands authorities upon their request for purposes of investigation and trial and will give full attention to any other special wishes of the appropriate Netherlands authorities as to the way in which custody should be carried out.

4. The Netherlands Government confirms that persons subject to United States military law, prosecuted under Netherlands jurisdiction, will be entitled to have a representative of the United States Government present during their trial, which will be public except when the court decrees otherwise in accordance with Netherlands law.

5. In applying paragraph 10(a) of Article VII to areas jointly used by the forces of the United States and The Netherlands, internal security measures will be a matter of joint consultation between the authorities of these forces.

6. With respect to paragraph 2 of Article IX, United States forces may procure supplies, facilities and services directly from local sources in The Netherlands. In order to avoid such procurement having an adverse economic effect locally, the Netherlands authorities may indicate, when necessary, purchases which should be restricted or controlled.

7. United States forces may, at the installations put at their disposal, establish and operate United States military post offices for the handling of official mail and that of authorized individuals between these and other United States post offices. The Netherlands authorities will not inspect official mail in United States military postal channels. Any inspection of non-official mail in such channels which may be required by regulations of The Netherlands will be conducted by Netherlands authorities in accordance with mutually determined procedures.

8. In connection with paragraph 4 of Article IX, the manner in which local civilian labor requirements of United States forces in The Netherlands will be satisfied shall be mutually determined.

9. With respect to paragraph 4 of Article XI, United States forces may import free of duty reasonable quantities of supplies and other goods for the use of members of United States forces and civilian components, and their dependents and distribute them through official activities. In this connection, military sales exchanges, commissaries, officers' clubs and similar activities may be established and operated without being subject to taxes, including those on sales by these activities, licenses or other charges. United States authorities will cooperate closely with Netherlands authorities to prevent unauthorized resales of duty-free items on the local market or other abuses of these privileges.

10. With respect to paragraph 5 of Article XI, members of United States forces and civilian components, and their dependents may import free of duty their new and used personal effects and furniture during a period of six months from the date of their first arrival.

11. Sales of duty-free items taking place between members of United States forces and civilian components, and their dependents are not subject to duties or taxes in The Netherlands.

12. In connection with Article XIV, the following arrangements will apply.

a. (i) United States forces may use Netherlands currency available in any United States Government accounts for transactions in The Netherlands.

(ii) United States forces, members of these forces and civilian components, and their dependents may acquire Netherlands currency needed for their operations in The Netherlands, and for personal expenditures, from the central bank of the Netherlands or other agencies designated by the Netherlands authorities, as well as that Netherlands currency available under a. (i) above.

(iii) The authorities of the two Governments will determine from time to time the appropriate exchange rate to be used under this agreement.

(iv) At the request of the United States authorities, at any time, the Netherlands Government through the central bank of The Netherlands will purchase any unutilized balances of guilders which are held as official funds of the United States Government or any instrumentality thereof and which were acquired by United States forces in accordance with the arrangements referred to in a. (ii) above. Such purchases will be made in United States dollars at the rate of exchange at which such balances were acquired.

b. United States forces shall have the right to:

(i) import into, export from and possess in The Netherlands for official purposes United States dollars and dollar instruments, other non-Netherlands currency and instruments, and military payment certificates denominated in United States dollars; and

(ii) make payments to members of United States forces and civilian components, and their dependents freely in United States dollar currency, instruments, and military payment certificates, in Netherlands currency and instruments, and, to the extent of the requirements of such persons for travel outside of The Netherlands, in other non-Netherlands currency and instruments.

c. Subject to the regulations of United States forces, members of these forces and civilian components, and their dependents shall have the right freely to import into The Netherlands United States currency, instruments and military payment certificates, and to export from The Netherlands non-Netherlands currency and instruments and United States military payment certificates which they have imported or received from the authorities of the United States.

d. The United States authorities will take appropriate measures to assure that the use of United States military payment certificates is restricted to transactions within areas in use by United States forces and with mutually authorized financial institutions. The Netherlands authorities will take the necessary steps to prevent persons under its jurisdiction not authorized to use United States military payment certificates from engaging in unauthorized traffic in such military payment certificates. Neither the United States Government nor any of its agencies will have any obligation to the Netherlands Government nor to any other instrumentality or person as a result of any unauthorized use of such military payment certificates.

e. United States authorities, in cooperation with Netherlands authorities, will take measures to safeguard the Netherlands foreign exchange regulations insofar as they may be applicable to the members of United States forces and civilian components, and their dependents.

*The Netherlands Minister for Foreign Affairs and the Netherlands  
Minister without Portfolio to the American Ambassador*

MINISTRY OF FOREIGN AFFAIRS  
THE HAGUE

General Affairs Department

No 98123.

THE HAGUE, August 13, 1954.

EXCELLENCY,

We have the honour to acknowledge receipt of your note no 73 of August 13, 1954, reading as follows:

"I have the honor to refer to our recent discussions regarding the manner in which our two Governments, as parties to the North Atlantic Treaty, may further the objectives of Article III of that Treaty to strengthen their individual and collective capacity to resist armed attack through the stationing of United States armed forces in The Netherlands. I have the honor to inform Your Excellencies that the Government of the United States is willing to conclude with the Government of The Netherlands an agreement on the following terms.

1. The Governments of the United States and the Netherlands agree that the United States Government may station its forces in The Netherlands, as may be mutually determined, in furtherance of the objectives of the North Atlantic Treaty.

2. The Netherlands Government will, without cost to the United States, provide land areas and utilities connections, including access roads, agreed to be necessary for the purposes of this agreement. The other expenses involved in carrying out this agreement shall be borne by the United States and the Netherlands Governments in proportions to be determined between them. Use of the utilities and services required by United States forces will be facilitated by the Netherlands Government. When at the expense of the United States Government, charges for the use of such utilities and charges for services requested and rendered will be no higher than those paid by the Netherlands armed services.

3. Title to removable equipment, materials and supplies brought into, or acquired in, The Netherlands by or on behalf of the United States in connection with this agreement will remain in the United States Government. This property will be free from all duties, inspections and other restrictions, whether on import or export, and from all taxes. At the termination of any operation under this agreement, the United States will be compensated by the Netherlands Government for the residual value, if any, of installations developed at the expense of the United States under this agreement. The amount and manner of compensation shall be determined between the appropriate authorities of the two Governments.

4. The provisions of the Agreement signed at London on June 19, 1951, Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, together with such understandings as the two Governments may reach concerning the implementation of these provisions, shall govern the status of United States forces in The Netherlands.

5. It is recognized that the provisions of the exchange of notes on relief from taxes signed at The Hague on March 7, 1952, as supple-

mented, are applicable to expenditures made by or on behalf of the United States for the purpose of this agreement.

6. The arrangements referred to in this note will remain in effect for the duration of the North Atlantic Treaty, or until such time as the two Governments mutually agree upon their termination.

7. After the approval constitutionally required in The Netherlands has been obtained, the present agreement shall enter into force on the date of receipt by the United States Government of a relevant notification from the Netherlands Government.

If the foregoing provisions and the Annex attached hereto are acceptable to your Government, this note and Your Excellencies' reply thereto indicating such acceptance shall be honored as constituting the agreement of our two Governments concerning this matter."

The provisions set forth above and the Annex attached to your note are acceptable to Her Majesty's Government and we therefore have the honour to state that your note and the present reply, including the Annex attached hereto,<sup>[1]</sup> constitute the agreement of our two Governments on this matter, which will come into force on the date of receipt by the United States Government of a notification of the Netherlands Government that the approval constitutionally required in the Netherlands has been obtained.

Please accept, Excellency, the renewed assurances of our highest consideration.

J LUNS

J W BEYEN

His Excellency

H. FREEMAN MATTHEWS,

*Ambassador extraordinary and plenipotentiary of the United States of America.*

---

<sup>1</sup> Not printed. Attached annex is identical to annex printed on p. 251.

**AGREEMENT, WITH MINUTE OF UNDERSTANDING,  
BETWEEN THE UNITED STATES OF AMERICA AND  
TURKEY IMPLEMENTING STATUS OF FORCES AGREE-  
MENT OF JUNE 19, 1951, BETWEEN THE PARTIES TO THE  
NORTH ATLANTIC TREATY**

Signed at Ankara June 23, 1954; Entered into force June 23, 1954

For the implementation of the "Agreement Between the Parties to the North Atlantic Treaty, Regarding the Status of their Forces", dated June 19, 1951, the two Governments have agreed as follows:

1. All persons who are relatives of, and in accordance with United States laws or regulations, depending for support upon and actually residing with any member of a United States force or the civilian component, except those who are not United States citizens, shall also be considered dependents and will be treated in all respects as those persons defined in Article I, paragraph 1, sub-paragraph c, of the aforesaid NATO Agreement.

2. For the purpose of the application of the aforesaid NATO Agreement and of the provisions of this Agreement, persons "who are in the employ of" the United States armed services, within the meaning of Article I-1.(b) of the aforesaid NATO Agreement, and without prejudice to the other requirements of that Article, shall include employees of United States military organizations, employees of United States Government departments, Post Exchanges, and recreational organizations for military personnel, Red Cross and United Services Organization personnel, and technical representatives of contractors with the United States forces who are assigned to United States military organizations in Turkey. All of these persons are subject to United States military law. Should any other specific categories become involved, the United States Government would wish to discuss their inclusion in this paragraph with the authorities of the Turkish Government.

3. Residence documents to the members of the civilian component and the dependents described in paragraph 1 of this Agreement, as well as the dependents described in Article I, paragraph 1, sub-paragraph c, of the Agreement regarding the Status of NATO Forces, will be issued without fees, except for administrative expenses incurred in issuing the documents.

4. It is the agreed understanding of the Parties that reasonable quantities of provisions, supplies and other goods imported for the exclusive use of United States personnel, directly by special military agencies of the United States, such as post exchanges, commissaries, and officers' clubs, shall be accorded duty-free entry under the terms of Article XI, paragraph 4, of the aforesaid NATO Agreement in accordance with arrangements to be agreed with the appropriate Turkish authorities. It is understood that such provisions, supplies and other goods will be subject to agreed certification by an authorized

United States official, and to inspection by Turkish customs for conformance with the certificates which shall be drawn up in accordance with the agreed arrangements mentioned above. It is further agreed that such special military agencies as post exchanges, commissaries, and officers' clubs will be permitted to operate at agreed locations without licenses, inspections or taxes and other charges. Categories of articles to be agreed between appropriate United States and Turkish authorities may be sold by these official United States military agencies only to authorized United States personnel. Administrative measures shall be taken by United States military authorities, in cooperation with the appropriate Turkish authorities, to prevent the resale or transfer in any way of merchandise sold under the provisions of this paragraph to persons not entitled to purchase items from such agencies, and generally to prevent the abuse of the facilities provided for in this paragraph.

5. In the implementation of Article XI of the aforesaid NATO Agreement, with respect to the duty-free entry of personal and household effects, it is understood that the free importation of such effects will be permitted from two months prior to six months after the arrival of the individual concerned or of any of his dependents.

6. It is understood that sales of personal and household effects and automobiles, taking place between individuals entitled to customs-free entry, are not subject to Turkish taxes.

7. It is understood that in the case of any damages in Turkey, caused by persons referred to in paragraph 2 above who are not paid from appropriations made to the United States Department of Defense, which require, under the provisions of Article VIII of the aforesaid NATO Agreement, the payment of an amount in order to satisfy the claimant with respect to such damages, the Turkish Government shall pay such amount. Procedures with respect to the reimbursement to the Turkish Government of such amounts shall be the subject of special arrangements agreed between the two Governments.

In witness whereof the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Done at Ankara, Turkey, in duplicate, in the English and Turkish languages, each of which shall be of equal authenticity, this twenty-third day of June, 1954.

For the Government of the United States of America

[SEAL]

AVRA M. WARREN.

For the Government of the Republic of Turkey

[SEAL]

F. KÖPRÜLÜ.

---

MINUTE OF UNDERSTANDING WITH RESPECT TO PARAGRAPH FOUR OF THE "AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF TURKEY RELATIVE TO THE IMPLEMENTATION OF THE 'AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY, REGARDING THE STATUS OF THEIR FORCES' "

It is not the intention of the Turkish Government to prohibit the sale of articles normally sold through United States special military agencies.

A. M. W.

K.

MINUTE OF UNDERSTANDING REGARDING PARAGRAPH 7 OF THE  
AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND THE UNITED  
STATES OF AMERICA RELATIVE TO THE IMPLEMENTATION OF THE  
"AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC  
TREATY REGARDING THE STATUS OF THEIR FORCES"

It is understood that the United States Government is able to accept responsibility for repayment only with respect to claims arising from the acts of employees paid from appropriated funds of the Department of Defense. With respect to claims arising from the acts of all other members of the civilian component it is understood that the United States will exercise its good offices to make satisfactory arrangements with the responsible entities for reimbursing the Turkish Government. However, the United States Government under existing laws can accept no financial liability with respect to the latter category of claims.

A. M. W.

K.

**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA  
AND TURKEY, AMENDING MINUTE OF UNDERSTANDING  
OF JUNE 23, 1954, CONCERNING STATUS OF UNITED  
STATES FORCES IN TURKEY**

Agreement amending the minute of understanding of June 23,  
1954; Effected by exchange of notes signed at Ankara  
April 22 and July 21, 1955; Entered into force July 21, 1955

*The American Chargé d'Affaires ad interim to the Turkish President  
of the Council of Ministers and Acting Minister of Foreign Affairs*

No. 1325

AMERICAN EMBASSY,  
*Ankara, April 22, 1955.*

EXCELLENCY,

I have the honor to refer to the Minute of Understanding Regarding Paragraph 7 of the "Agreement Between the Republic of Turkey and the United States of America Relative to the Implementation of the 'Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces'", concluded at Ankara on June 23, 1954.

I have been instructed to inform Your Excellency that the United States Government has now been able to make arrangements whereby claims arising out of the activities of personnel connected with Post Exchanges, Commissaries and Officers' Clubs will be handled in accordance with Article VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces. Therefore the Minute of Understanding referred to above may be considered to be amended to this extent insofar as the United States Government is concerned.

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

FOY D. KOHLER

His Excellency

ADNAN MENDERES,  
*President of the Council of Ministers  
and Acting Minister of Foreign Affairs  
of Turkey.*

*The Turkish Secretary General of the Ministry of Foreign Affairs to  
the American Ambassador*

TÜRKİYE CUMHURİYETİ

HARİCİYE VEKÂLETİ [1]

S.I.C 3227

ANKARA, *July 21, 1955*

EXCELLENCY,

I have the honor to acknowledge receipt of your note of April 22, 1955 date as follows:

<sup>1</sup> Republic of Turkey Ministry of Foreign Affairs.

“I have the honor to refer to the Minute of Understanding Regarding Paragraph 7 of the “Agreement Between the Republic of Turkey and the United States of America Relative to the Implementation of the ‘Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces’”, concluded at Ankara on June 23, 1954.

“I have been instructed to inform Your Excellency that the United States Government has now been able to make arrangements whereby claims arising out of the activities of personnel connected with Post Exchanges, Commissaries and Officers’ Clubs will be handled in accordance with Article VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of their Forces. Therefore the Minute of Understanding referred to above may be considered to be amended to this extent insofar as the United States Government is concerned.

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

I have the honor to inform you that my Government is in agreement with the foregoing.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

M NURI BIRGI

His Excellency

A. M. WARREN

*Ambassador of the United States  
of America  
Ankara*

**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA  
AND THE KINGDOM OF GREECE CONCERNING THE  
STATUS OF UNITED STATES FORCES IN GREECE**

Agreement signed at Athens September 7, 1956; Entered  
into force September 7, 1956.

The United States of America and the Kingdom of Greece having entered into a Military Facilities Agreement on October 12, 1953,<sup>1</sup> and having become parties to the "Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces", dated June 19, 1951, agree upon the following regarding the status of United States forces in Greece.

**ARTICLE I**

1. Paragraph 1, Article III of the Agreement between the Governments of the United States of America and the Kingdom of Greece concerning Military Facilities, dated October 12, 1953, is abrogated except insofar as it refers to the Memorandum of Understanding dated February 4, 1953, which shall continue in effect.

2. "Agreement between the Parties of the North Atlantic Treaty Regarding the Status of Their Forces", dated June 19, 1951, shall govern the status of the forces of the United States in Greece as well as members of these forces, members of the civilian component, and their dependents, who are in Greece and who are serving in that country in furtherance of objectives of the North Atlantic Treaty Organization, or who are temporarily present in Greece.

**ARTICLE II**

1. The Greek authorities, recognizing that it is the primary responsibility of the United States authorities to maintain good order and discipline where persons subject to United States military law are concerned, will, upon the request of the United States authorities, waive their primary right to exercise jurisdiction under Article VII, paragraph 3(c) of that Agreement, except when they determine that it is of particular importance that jurisdiction be exercised by the Greek authorities.

2. In those cases where, in accordance with the foregoing paragraph, there is waiver of jurisdiction by the Greek authorities, the competent United States authorities shall inform the Greek Government of the disposition of each such case.

<sup>1</sup> TIAS 2868. 4 UST 2189.

## ARTICLE III

1. In such cases where the Government of Greece may exercise criminal jurisdiction as provided for in Article II above, the United States authorities shall take custody of the accused pending completion of trial proceedings. Custody of the accused will be maintained in Greece. During the trial and pretrial proceedings the accused shall be entitled to have a representative of the United States Government present. The trial shall be public unless otherwise agreed.

## ARTICLE IV

1. In civil matters, including damages arising from automobile accidents, Greek courts will exercise jurisdiction as provided in Article VIII of NATO Status of Forces Agreement.

## ARTICLE V

This agreement will come into force from the date on which it is signed.

DONE at Athens in duplicate, in the English and Greek languages, the two texts having equal authenticity, this 7th day of September, 1956.

For the United States of America

RAY L. THURSTON

For the Kingdom of Greece

AVEROFF TOSITSAS

# SUPPLEMENTARY AGREEMENT TO THE NATO STATUS OF FORCES AGREEMENT WITH RESPECT TO FORCES STA- TIONED IN THE FEDERAL REPUBLIC OF GERMANY <sup>1</sup>

Signed at Bonn August 3, 1959; Entered into force July 1, 1963

## CONTENTS

		Page
I.	Agreement to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany of August 3, 1959 (Supplementary Agreement) .....	266
	Title <sup>2</sup>	
Article		
1	Introductory Provision.....	267
2	Definitions.....	267
3	Co-operation and Liaison.....	268
4	Exercise of Rights and Fulfillment of Obligations.....	269
5	Identification and Visas.....	269
6	Registration of Residence and Aliens Control.....	270
7	Residence and Settlement.....	271
8	Expulsions and Removals.....	271
9	Driving Licenses.....	271
10	Registration and Licensing of Vehicles, Vessels and Aircraft.....	273
11	Third Party Liability Insurance of Private Motor Vehicles, Trailers and Aircraft.....	273
12	Bearing of Arms.....	274
13	Social Security and Welfare.....	274
14	Certificates of Eligibility to Marry.....	275
15	Reports and Registration of Births and Deaths.....	275
16	Deaths and Burials.....	275
17	Offences Punishable under the Law of a Sending State or under German Law.....	276
18	Official Duty.....	276
19	Waiver of Jurisdiction.....	276
20	Provisional Arrest.....	277
21	Notification of Arrest.....	278
22	Custody of Members of a Force or of a Civilian Component and Dependents.....	279
23	Right of Access.....	279
24	Mutual Assistance during Pre-Trial Proceedings.....	280
25	Right of a National Representative to Attend Criminal Proceedings.....	280
26	Place of Trial.....	280
27	Regulations Governing Procedure in Criminal Jurisdiction.....	281
28	Military Police.....	281
29	Protection of the Forces against Criminal Offences.....	281
30	Mixed Commissions.....	282
31	Free Judicial Assistance and Exemption from the Obligation to Post Security for Costs.....	282
32	Service (Liaison Agency).....	282
33	Attendance at Proceedings.....	283
34	Enforcements of Judgments, Decisions and Orders.....	283
35	Attachment.....	284

<sup>1</sup> Includes protocol of signature (see p. 323); agreement implementing article 45 (5) of the supplementary agreement (see p. 347); administrative agreement to article 60 of the supplementary agreement (see p. 350); agreement on the abrogation of the Forces Convention, the Finance Convention, and the Tax Agreement of October 23, 1954 (see p. 355).

<sup>2</sup> These titles are not part of the Agreement.

Article		Page
36	Service (by German Courts and Authorities).....	284
37	Appearance before Courts or Authorities.....	285
38	Disclosure of Information.....	285
39	Witnesses and Experts.....	285
40	Inviolability of Documents and Property.....	286
41	Damage Claims.....	286
42	Aerial Photography.....	288
43	Surveys and Meteorology.....	289
44	Settlement of Disputes.....	289
45	Manoeuvres and Other Training Exercises.....	290
46	Air Manoeuvres and Other Air Exercises.....	293
47	Procurement of Goods and Services.....	293
48	Accommodation.....	295
49	Construction.....	297
50	Transfer of Fixtures within the Federal Territory.....	298
51	Property Procured with Occupation or Support Cost Funds.....	299
52	Residual Value.....	299
53	Rights Respecting Installations.....	300
54	Health and Sanitation.....	301
55	Defensive Works and Measures.....	301
56	Labor.....	302
57	Movement.....	304
58	Transportation.....	305
59	Forces Postal Services.....	305
60	Telecommunications.....	306
61	Prices.....	308
62	Requisitioning Procedures.....	308
63	Services Rendered Free of Charge to a Force or a Civilian Component.....	308
64	Services Rendered Free of Charge to Members of a Force or of a Civilian Component.....	311
65	Customs Treatment of a Force or of a Civilian Component.....	311
66	Customs Treatment of Members of a Force and of a Civilian Component and of Dependents.....	313
67	Tax Treatment of a Force and of a Civilian Component.....	314
68	Tax Treatment of Members of a Force and of a Civilian Component and of Dependents.....	315
69	Currency and Foreign Exchange.....	316
70	Banking.....	317
71	Treatment of Non-German Non-Commercial Organizations.....	317
72	Treatment of Non-German Commercial Enterprises.....	318
73	Treatment of Technical Experts.....	319
74	Prevention of Abuses.....	319
75	Offences Committed Prior to the Entry into Force of the Supplementary Agreement.....	320
76	Defensive Works.....	320
77	Standing Commission under Article 17, paragraph 8 of the Forces Convention.....	320
78	Mixed Commission under Article 44, paragraph 8 of the Forces Convention.....	321
79	Tax Relief in Respect of Certain Payments.....	321
80	Hostilities.....	321
81	Duration of the Supplementary Agreement.....	321
82	Review of the Supplementary Agreement.....	322
83	Ratification and Entry into Force.....	322

	<b>Page</b>
II. Protocol of Signature to the Supplementary Agreement.....	323
Part I—Agreed Minutes and Declarations concerning the NATO Status for Forces Agreement:	
<i>Re Article</i> <i>Title</i> <sup>a</sup>	
I Definitions.....	323
V Wearing of Uniform; Marking of Service Vehicles.....	324
VII Penal Jurisdiction; Police Powers; Maintenance of Security.....	325
IX Supplies and Facilities.....	325
XIX Denunciation.....	325
Part II—Agreed Minutes and Declarations concerning the Supple- mentary Agreement:	
1 Introductory Provision.....	325
2 Definitions.....	325
4 Exercise of Rights and Fulfilment of Obligations.....	326
5 Identification and Visas.....	326
7 Residence and Settlement.....	326
8 Expulsions and Removals.....	326
12 Bearing of Arms.....	328
19 Waiver of Jurisdiction.....	330
22 Custody of Members of a Force, of a Civilian Component, and Dependents.....	330
26 Place of Trial.....	330
31 Free Judicial Assistance and Exemption from the Obligation to Post Security for Costs.....	330
41 Damage Claims.....	331
47 Procurement of Goods and Services.....	332
48 Accommodation.....	332
50 Transfer of Fixtures within the Federal Territory.....	334
51 Property Procured with Occupation or Support Cost Funds.....	334
52 Residual Value.....	335
53 Rights Respecting Installations.....	335
54 Health and Sanitation.....	336
56 Labor.....	337
57 Movement.....	338
58 Transportation.....	338
60 Telecommunications.....	338
63 Services Rendered Free of Charge to a Force or a Civilian Component.....	340
68 Tax Treatment of Members of a Force, a Civilian Com- ponent and Dependents.....	342
71 Treatment of Non-German Non-Commercial Organiza- tions.....	343
72 Treatment of Non-German Commercial Enterprises.....	346
III. Agreement to Implement Paragraph 5 of Article 45 of the Agreement to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany..	347
IV. Administrative Agreement to Article 60 of the Agreement to supple- ment the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany.....	350
V. Agreement on the Abrogation of the Forces Convention, the Finance Convention and the Tax Agreement of August 3, 1959.....	355

<sup>a</sup> The titles are not part of the text of the Protocol of Signature.

AGREEMENT TO SUPPLEMENT THE AGREEMENT BETWEEN THE PARTIES  
TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF  
THEIR FORCES WITH RESPECT TO FOREIGN FORCES STATIONED IN  
THE FEDERAL REPUBLIC OF GERMANY

THE KINGDOM OF BELGIUM,  
CANADA,  
THE FRENCH REPUBLIC,  
THE FEDERAL REPUBLIC OF GERMANY,  
THE KINGDOM OF THE NETHERLANDS,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,  
and  
THE UNITED STATES OF AMERICA,

CONSIDERING that sub-paragraph (b) of paragraph 1 of Article 8 of the Convention on Relations between the Three Powers and the Federal Republic of Germany, as amended by Schedule I to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954,<sup>1</sup> provides for the negotiation of new arrangements setting forth the rights and obligations of the forces of the Three Powers and other States having forces in the territory of the Federal Republic of Germany;

CONSIDERING that, pursuant to that provision, the new arrangements shall be based on the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June 1951,<sup>2</sup> supplemented by such provisions as are necessary in view of the special conditions existing in regard to the forces stationed in the Federal Republic of Germany;

CONSIDERING that the North Atlantic Council has decided to approve, in accordance with paragraph 3 of Article XVIII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, the accession to that Agreement of the Federal Republic of Germany, provided that such accession shall become effective only after all the States Parties to the new arrangements have ratified or approved them;

CONSIDERING that the second paragraph of the Preamble to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces also provides for separate arrangements supplementary to that Agreement;

CONSIDERING that, pursuant to the Agreement signed at Bonn on 3rd August 1959<sup>3</sup> by the Powers signatory to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954, the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany, the Finance Convention, and the Agreement on the Tax Treatment of the Forces and their Members, as amended by the Protocol,<sup>4</sup> shall cease to be effective upon the entry into force of the new arrangements;

DESIRING thereby to continue consolidating the North Atlantic Community;

HAVE AGREED AS FOLLOWS:

<sup>1</sup> TIAS 3425; 6 UST 5601.

<sup>2</sup> TIAS 2846; 4 UST 1792.

<sup>3</sup> *Post*, p. 365.

<sup>4</sup> TIAS 3425; 6 UST 5608, 5639, 5685.

## ARTICLE 1

The Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June 1951 (hereinafter referred to as the "NATO Status of Forces Agreement"), shall, as regards the rights and obligations of the forces of the Kingdom of Belgium, Canada, the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America in the territory of the Federal Republic of Germany (hereinafter referred to as "the Federal Republic"), be supplemented by the provisions of the present Supplementary Agreement.

## ARTICLE 2

1. In the present Agreement the term
  - (a) "a German" shall mean a German within the meaning of German law;
  - (b) "Protocol of Signature" shall mean the Protocol of Signature to the present Agreement;
  - (c) "Forces Convention" shall mean the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany, as amended by Schedule II to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954;
  - (d) "Federal Requisitioning Law" shall mean the Federal Requisitioning Law (Bundesleistungsgesetz) of 19 October 1956 (Bundesgesetzblatt 1956 Teil I, page 815);
  - (e) "Restricted Areas Law" shall mean the Law concerning Restrictions on Real Property for Purposes of Military Defence (Gesetz über die Beschränkung von Grundeigentum für die militärische Verteidigung—Schutzbereichsgesetz) of 7 December 1956 (Bundesgesetzblatt 1956 Teil I, page 899);
  - (f) "Land Procurement Law" shall mean the Law concerning the Procurement of Land for Purposes of Defence (Gesetz über die Landbeschaffung für Aufgaben der Verteidigung—Landbeschaffungsgesetz) of 23 February 1957 (Bundesgesetzblatt 1957 Teil I, page 134);
  - (g) "Air Traffic Law" shall mean the Air Traffic Law (Luftverkehrsgesetz) in the version of the Notification (Bekanntmachung) of 10 January 1959 (Bundesgesetzblatt 1959 Teil I, page 9).
2. (a) A close relative of a member of a force or of a civilian component not falling within the definition contained in subparagraph (c) of paragraph 1 of Article I of the NATO Status of Forces Agreement who is financially or for reasons of health dependent on, and is supported by, such member, who shares the quarters occupied by such member and who is present in the Federal territory with the consent of the authorities of the force shall be considered to be, and treated as, a dependent within the meaning of that provision.
  - (b) Should a member of a force or of a civilian component die or leave the Federal territory on transfer, the dependents of such member, including close relatives referred to in subparagraph (a) of this paragraph, shall be considered to be, and

treated as, dependents within the meaning of sub-paragraph (c) of paragraph 1 of Article I of the NATO Status of Forces Agreement for a period of ninety days after such death or transfer if such dependents are present in the Federal territory.

## ARTICLE 3

1. In accordance with the obligations imposed by the North Atlantic Treaty<sup>5</sup> upon the contracting parties thereto to render mutual assistance, the German authorities and the authorities of the forces shall cooperate closely to ensure the implementation of the NATO Status of Forces Agreement and of the present Agreement.

2. The co-operation provided for in paragraph 1 of this Article shall extend in particular

(a) to the furtherance and safeguarding of the security, as well as to the protection of the property, of the Federal Republic, of the sending States and of the forces, and especially to the collection, exchange and protection of all information which is of significance for these purposes;

(b) to the furtherance and safeguarding of the security, as well as to the protection of the property, of Germans, of members of the forces and members of the civilian components and dependents, as well as of nationals of the sending States who do not belong to these categories of persons.

3. The German authorities and the authorities of a force shall, by taking appropriate measures, ensure close and reciprocal liaison within the scope of the co-operation provided for in paragraphs 1 and 2 of this Article.

4. The German authorities and the authorities of a sending State shall take all the administrative measures necessary for the implementation of the NATO Status of Forces Agreement and of the present Agreement, and, where necessary, shall conclude administrative or other agreements to that end.

5. (a) In the implementation of provisions in the field of support contained in the NATO Status of Forces Agreement and in the present Agreement, the German authorities shall accord to a force and to a civilian component such treatment as is necessary for the satisfactory fulfilment of their defence responsibilities.

(b) In asserting the rights accorded to them under the provisions referred to in subparagraph (a) of this paragraph, the authorities of a force and of a civilian component shall, with a view to reasonable reconciliation of their requirements and those of the Federal Republic, take into due account German public and private interests.

6. The German authorities and the authorities of a force shall agree on frontier crossing points at which liaison officials of the sending State are to be stationed. These officials shall assist the German authorities in their control functions in order to ensure the speedy and unobstructed passage of the force, the civilian component, their members and dependents, and their accompanying baggage, and of consignments of goods and materials shipped by the force or on its behalf or for its account for the use of the force or of the civilian component, their members and dependents.

<sup>5</sup> TIAS 1964; 63 Stat. 2241.

7. If, in the implementation of the NATO Status of Forces Agreement and of the present Agreement, no agreement is reached either on the local or on the regional level between the German authorities and the authorities of a force, the matter shall, unless the NATO Status of Forces Agreement or the present Agreement provides a special procedure, be referred to the competent central Federal authority and the higher authority of the force. The Federal Government or the higher authority of the force shall issue any individual instructions that may be necessary to the German authorities or to the authorities of the force and the civilian component respectively.

## ARTICLE 4

1. The exercise of rights and the fulfilment of obligations which a sending State derives from the NATO Status of Forces Agreement and the present Agreement may, with the consent of the Federal Government, be effected by other sending States in accordance with administrative agreements to be concluded between the sending States concerned.

2. Until the entry into force of the administrative agreements referred to in paragraph 1 of this Article, the agreements between the sending States concerned governing the exercise of rights and the fulfilment of obligations at the time of the entry into force of the present Agreement shall remain applicable in the fields to which they relate, unless the sending State concerned notifies the other sending State concerned and the Federal Republic of its intention no longer to apply the latter agreements.

## ARTICLE 5

1. The following provisions shall apply with respect to identification within the Federal territory:

(a) Members of a force shall not be required to have movement orders.

(b) Uniformed members of a force moving in units under military command need not give proof of their identity. In exceptional cases where it is necessary to establish immediately the identity of a unit, the commander of the unit shall, upon request of the German authorities, produce his personal identity card.

(c) Members of a civilian component and dependents who do not carry with them a passport or a document acknowledged as equivalent under German law shall give proof of their identity by means of an identity document issued by the authorities of the sending State, showing name, date of birth and photograph of the holder, a serial number or the name of the issuing authority and the capacity in which the holder is present in the Federal territory.

(d) In exceptional cases where a member of a force or of a civilian component or a dependent is not in possession of the documents provided for in Article III of the NATO Status of Forces Agreement or in this Article, the German authorities shall accept temporary certification by the authorities of the force that the person concerned is a member of the force or of the civilian

component or a dependent. The authorities of the force shall, as soon as possible, replace such certification by the documents provided for in Article III of the NATO Status of Forces Agreement or in this Article and shall so inform the German authorities.

2. The following provisions shall apply with respect to frontier crossings:

(a) Individual or collective movement orders shall normally contain in German the data referred to in sub-paragraph (b) of paragraph 2 of Article III of the NATO Status of Forces Agreement. Movement orders which in exceptional cases do not contain such data in German shall nevertheless be recognized as valid by the German authorities. Movement orders shall be issued for a single entry or exit, or for both, or shall be valid for a limited period. The authorities of a force may extend the period of validity of a movement order. An appropriate entry on the personal identity card showing date of expiration may take the place of an individual movement order.

(b) A unit crossing the frontier under military command on a collective movement order shall be identified by its commander who shall present his personal identity card and the collective movement order. In exceptional cases where the German authorities consider it necessary to verify the identity of certain members of a unit, for special reasons which shall be given by the German frontier control officials to the commander of the unit, the latter shall present the personal identity cards of those members. Such verification shall not unduly delay the unit.

(c) Control of identity documents on entry and exit via military airfields of a force shall in principle be the same as frontier control of surface frontier crossings. However, in the case of the entry and exit via military airfields of members of a force, of a civilian component or dependents, the German authorities shall confine themselves to occasional checks, carried out after consultation with the authorities of the airfield concerned; regular identity controls over such persons shall be carried out by the authorities of the force. The control of identity documents of persons in categories other than those mentioned in the second sentence of this sub-paragraph who enter or leave the Federal territory via military airfields of a force shall be carried out by the German authorities, who shall be notified of the arrival of such persons by the authorities of the force. Such control shall take place on entering or leaving the airfield.

#### ARTICLE 6

1. Members of a force, of a civilian component and dependents shall be exempt from German regulations in the field of registration of residence (Meldewesen) and aliens' control (Ausländerpolizei), except with respect to registration in hotels, and similar establishments (Beherbergungsstätten).

2. The authorities of a force shall keep up-to-date records of all members of the civilian component and of all dependents. At the request of the German authorities, the reasons for which shall be explained, the authorities of the force shall, in individual cases, supply the information required under the regulations referred to in paragraph 1 of this Article.

3. At the request of the German authorities, the authorities of the force shall inform them of the number of members of the civilian component and of dependents.

## ARTICLE 7

In applying international agreements or other provisions in force in the Federal territory concerning residence (Aufenthalt) and settlement (Niederlassung), insofar as they relate to repatriation, to expulsion, to the extension of residence permits or to gainful occupation, periods of time spent in the Federal territory by any person as a member of a force or of a civilian component or as a dependent shall be disregarded.

## ARTICLE 8

1. When a competent German authority intends to take one of the measures within the competence of the receiving State and set forth in the first sentence of paragraph 5 of Article III of the NATO Status of Forces Agreement, the authority concerned shall communicate this intention to the competent authority of the sending State concerned, stating the reasons invoked in support of the intended measure, and shall afford that authority the possibility of making known its opinion or of itself taking such measures as it might deem fitting within a reasonable period of time. The German authorities shall give sympathetic consideration to any position which might be adopted by the sending State and to any measures which may have been taken by the authorities of that State.

2. Notification of intent to take one of the measures provided for in paragraph 5 of Article III of the NATO Status of Forces Agreement shall be given by the Minister of the Interior of the Land concerned, or, in the cases of Hamburg and Bremen, by the Senator for Internal Affairs.

3. Requests for removal shall be made and expulsion orders shall be issued only if the competent German authority considers that the continued presence in the Federal territory of the person in question actually endangers public order or public security at the time when the request is made or the order is issued.

## ARTICLE 9

1. A licence or other permit issued to a member of a force or of a civilian component by an authority of a sending State empowering the holder to operate service vehicles, vessels or aircraft is valid for the operation of such vehicles, vessels or aircraft in the Federal territory.

2. A driving licence issued in a sending State empowering the holder to operate private motor vehicles in that State is valid for the operation of such vehicles in the Federal territory by the holder if the latter is a member of a force or of a civilian component or a dependent. The German regulations relating to the period of validity of such driving licence in the Federal territory and to its invalidation by a German administrative authority shall not apply if the holder is in possession of a certificate issued by an authority of the force showing that he is a member of the force or of the civilian component or a dependent and that he possesses adequate knowledge of German traffic regulations. Such certificate shall be provided with a German translation.

3. Driving licences provided with a German translation may be issued for private motor vehicles by the authorities of a force to members of the force or of the civilian component or to dependents if these authorities have determined that, in addition to fitness to operate a motor vehicle, applicants possess adequate knowledge of German traffic regulations. They shall ensure that learner drivers are instructed, and when driving on a public highway are accompanied at all times by a person possessing the qualifications specified in the first sentence of this paragraph and holding a valid driving licence. Such person shall be responsible for the driving of the vehicle and shall carry a written authorization, issued by the authorities of the force and provided with a German translation, empowering him to instruct the learner driver.

4. A civil pilot's licence issued to a member of a force or of a civilian component or to a dependent by the authorities of a sending State shall authorize the holder to operate private aircraft in the Federal territory if such licence is based on the Standards and Recommended Practices of the International Civil Aviation Organization.

5. (a) The authorities of a force shall ensure that the persons operating the service vessels referred to in paragraph 1 of this Article, when navigating in inland waters, possess adequate knowledge of the particular waters to be navigated and of the relevant river police regulations.

(b) The authorities of a force may issue certificates of qualification for the operation of non-service inland watercraft of the force if they have determined that the person concerned possesses the knowledge prescribed in subparagraph (a) of this paragraph. The particular waters to be navigated shall be specified in the certificate. Regulations applicable within the scope of international agreements shall remain unaffected.

6. (a) The authorities of a force shall withdraw driving licences valid in the Federal territory in accordance with paragraphs 1 and 3 of this Article or certificates mentioned in paragraph 2, if there is reasonable doubt concerning the holder's reliability or fitness to operate a motor vehicle. They shall give sympathetic consideration to requests made by the German authorities for the withdrawal of such driving licences or certificates. Driving licences or certificates may be reissued if this is necessary for urgent military reasons or to enable the holders to leave the Federal territory. The authorities of a force shall notify the German authorities of all withdrawals made in accordance with this subparagraph and of all cases where, after such withdrawal, a driving licence or certificate has been re-issued.

(b) In cases where German courts exercise jurisdiction pursuant to Article VII of the NATO Status of Forces Agreement and Articles 17, 18 and 19 of the present Agreement, provisions of German criminal law relating to the withdrawal of permission to drive remain applicable with respect to driving licences referred to in paragraphs 2 and 3 of this Article. Withdrawal of permission to drive shall be recorded in the driving licence, which shall remain in the possession of the holder.

7. (a) Sub-paragraph (a) of paragraph 6 of this Article shall apply *mutatis mutandis* to pilot licences and certificates of qualification referred to in paragraph 4 and subparagraph (b) of paragraph 5.

(b) The authorities of a force shall give sympathetic consideration to reports from the German authorities concerning failure to observe air traffic rules by holders of the pilot's licences valid in the Federal territory in accordance with paragraph 1 of this Article and shall take such action as may be necessary.

## ARTICLE 10

1. The authorities of a force may register and license motor vehicles and trailers of the force or the civilian component, of members of the force or of the civilian component, or of dependents. Subject to the regulations applicable within the scope of international agreements, the same shall apply to vessels of a force. Aircraft of a force or of a civilian component, of members of a force or of a civilian component, or of dependents shall be registered and licensed by the authorities of the sending State in accordance with the applicable international regulations.

2. The authorities of a force shall register and license private motor vehicles and trailers only if such vehicles or trailers are insured against liability in accordance with Article 11 of the present Agreement. They shall withdraw or cancel such registration or licence when this insurance is no longer operative.

3. Motor vehicles, trailers, vessels and aircraft registered and licensed in accordance with paragraph 1 of this Article or used by a force in the Federal territory shall bear a distinctive nationality mark, in addition to a registration number or other appropriate identification mark. Identification marks on private motor vehicles and trailers shall be clearly distinct from those used on service vehicles and trailers. The authorities of a force shall inform the German authorities of the identification system used for motor vehicles, trailers and vessels registered and licensed by them. At the request of the German authorities, the reasons for which shall be explained, the authorities of the force shall, in individual cases, supply the names and addresses of persons in whose names private motor vehicles, trailers or aircraft have been registered or licensed in accordance with paragraph 1 of this Article.

4. The registration certificate for a private motor vehicle or trailer shall show the registration number, the name or the trademark of the maker of the vehicle, the maker's identification or serial number, the date of first registration in the Federal territory and the full name of the holder. The certificate shall be provided with a German translation. The registration certificate for private aircraft shall be based on the Standards and Recommended Practices of the International Civil Aviation Organization. Non-service inland watercraft of a force with a displacement of fifteen tons or over shall carry on board a certificate of serviceability which may be issued by the authorities of the force.

5. The authorities of a force shall take adequate safety measures with respect to motor vehicles, trailers, vessels and aircraft registered and licensed by them or used by the force in the Federal territory.

## ARTICLE 11

1. Members of a force, of a civilian component and dependents shall use or permit to be used in the Federal territory private motor vehicles,

trailers and aircraft only if risks arising out of such use are covered by third-party liability insurance in accordance with German law.

2. Third-party liability insurance of a private motor vehicle, trailer or aircraft to be licensed by the authorities of a force may be effected with any insurance enterprise authorized to carry on the business activity of third-party liability insurance in a sending State, provided that in addition to such enterprise an insurer, or association of insurers, authorized to do business in the Federal territory assumes the third-party liability insurance obligations in respect of damage incurred in the Federal territory. The requirements of German law with respect to any third person suffering injury or damage shall not be affected by the conditions of such insurance.

3. Insofar as foreign exchange regulations exist in the sending States, the latter shall ensure that all payments to be effected by insurers or associations of insurers authorized to do business in their territories can be met in the Federal territory and in the currency of the Federal Republic.

#### ARTICLE 12

1. The authorities of a force may authorize members of the civilian component and other persons employed in the service of the force to possess and carry arms insofar as such persons are responsible for the safeguarding of cash or property or are particularly endangered by the special nature of their official position or activities.

2. The authorities of the force shall issue regulations, which shall conform to the German law on self-defence (Notwehr), on the use of arms by the persons authorized in accordance with paragraph 1 of this Article.

3. Persons authorized in accordance with paragraph 1 of this Article may bear firearms only if in possession of a firearms certificate issued by the authorities of the force. A suitably endorsed duty identity card shall also be considered a firearms certificate.

4. The authorities of the force shall issue firearms certificates only to persons as to whose reliability there is no reasonable doubt. They shall sympathetically examine requests by the German authorities for withdrawal of such certificates and shall withdraw a firearms certificate if it is established that the holder has misused his firearm or if reasonable doubt exists as to his reliability.

#### ARTICLE 13

1. Except where expressly provided otherwise, international agreements or other provisions in force in the Federal territory concerning social security, including social and medical assistance, shall not apply to members of a force or of a civilian component or to dependents. However, rights and obligations of such persons in the field of social security which have arisen during previous presence in the Federal territory remain unaffected. Furthermore, the fact that a person belongs to one of the categories referred to in the preceding sentences shall not preclude the possibility of his paying contributions to the German social security (soziale Kranken- und Rentenversicherung) for the purpose of continuing insurance on a voluntary basis (Weiterversicherung) nor the possibility of his acquiring and asserting rights deriving from existing insurance.

2. Nothing in this Article shall affect the obligations of a member of a force or of a civilian component or of a dependent in the capacity of an employer.

## ARTICLE 14

Where a member of a force, of a civilian component or a dependent is granted exemption from the production of a certificate of eligibility to marry, the fee payable, to be determined in accordance with the scope and difficulties of the administrative work involved, shall not exceed the sum of fifty Deutsche Mark.

## ARTICLE 15

1. The obligation under German law to report births and deaths to a German registrar shall not apply either with respect to a child born to, or with respect to the death of, a member of a force or of a civilian component or a dependent; where, however, such birth or death is reported to a German registrar, registration shall take place in accordance with the provisions of German law.

2. The obligation to report births and deaths remains unaffected in cases where the child is, or the deceased was, a German.

## ARTICLE 16

1. The military authorities of a sending State shall have the right, in accordance with applicable regulations of such sending State, to take charge and dispose of the remains of members of the force or of the civilian component and of dependents in the event of their death in the Federal territory and to perform such autopsy as may be required for medical reasons or purposes of criminal investigation. Requests by German authorities that an autopsy be performed shall be granted if such autopsy is admissible under the law of the sending State. A German medical officer of the court (*Gerichtsarzt*) or public health officer (*Amtsarzt*) and, in the case of an autopsy for purposes of criminal investigation, a German judge, may be present during the autopsy. In cases where a German court or authority is competent to order an autopsy, the second and third sentences of this paragraph shall apply *mutatis mutandis* if the military authorities of a sending State have an interest in the results of such autopsy.

2. Where so authorized by the law of a sending State, the military authorities of that State shall have the right to take possession of the personal property of the deceased within the Federal territory and to apply it, in the first place, to the payment of any preferential charges which may be prescribed by the law of that sending State and, in the second place, to the settlement of any other debts incurred in the Federal territory and for which there exists a legal obligation to pay in that territory and thereafter to dispose of the remainder in accordance with the law applicable to the estate of the deceased. The provisions of this paragraph shall not apply if the deceased was a German.

3. The forces shall have the right at agreed sites to establish and maintain cemeteries as may be necessary in the fulfilment of their defence responsibilities.

## ARTICLE 17

1. Where, in order to decide upon the authority competent to exercise jurisdiction with respect to an offence, it is necessary to determine whether an act is punishable by the law of a sending State, the German court or authority dealing with the case shall suspend the proceedings and shall notify the competent authority of the sending State. The appropriate authority of the sending State may, within twenty-one days after receipt of the notification, or at any time if such notification has not yet been made, submit to the German court or authority a certificate stating whether or not the act is punishable by the law of the sending State. If the certificate is affirmative on this point, it shall specify the provision or legal basis under which the act is punishable, as well as the penalty prescribed.

2. The German court or authority shall make its decision in conformity with the certificate. In exceptional cases, however, such certificate may, at the request of the German court or authority, be made the subject of review through discussions between the Federal Government and the diplomatic mission in the Federal Republic of the sending State.

3. If it is to be determined whether an offence is punishable under German law, the procedure provided in paragraphs 1 and 2 of this Article shall apply *mutatis mutandis* with respect to the offence, the certificate being then issued by the supreme competent administrative authority of the Federal Republic or of the German Land concerned.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall not apply as between the Federal Republic and any sending State which informs the Federal Republic that it does not intend to avail itself of these provisions or to extend the benefits thereof to the Federal Republic.

## ARTICLE 18

1. Whenever, in the course of criminal proceedings against a member of a force or of a civilian component, it becomes necessary to determine whether an offence has arisen out of any act or omission done in the performance of official duty, such determination shall be made in accordance with the law of the sending State concerned. The highest appropriate authority of such sending State may submit to the German court or authority dealing with the case a certificate thereon.

2. The German court or authority shall make its decision in conformity with the certificate. In exceptional cases, however, such certificate may, at the request of the German court or authority, be made the subject of review through discussions between the Federal Government and the diplomatic mission in the Federal Republic of the sending State.

## ARTICLE 19

1. At the request of a sending State, the Federal Republic shall, within the framework of sub-paragraph (c) of paragraph 3 of Article VII of the NATO Status of Forces Agreement, waive in favour of that State the primary right granted to the German authorities under sub-paragraph (b) of paragraph 3 of that Article in cases of concurrent jurisdiction, in accordance with paragraphs 2, 3, 4 and 7 of this Article.

2. Subject to any particular arrangements which may be made under paragraph 7 of this Article, the military authorities of the sending

States shall notify the competent German authorities of individual cases falling under the waiver provided in paragraph 1.

3. Where the competent German authorities hold the view that, by reason of special circumstances in a specific case, major interests of German administration of justice make imperative the exercise of German jurisdiction, they may recall the waiver granted under paragraph 1 of this Article by a statement to the competent military authorities within a period of twenty-one days after receipt of the notification envisaged in paragraph 2 or any shorter period which may be provided in arrangements made under paragraph 7. The German authorities may also submit the statement prior to receipt of such notification.

4. If, pursuant to paragraph 3 of this Article, the competent German authorities have recalled the waiver in a specific case and in such case an understanding cannot be reached in discussions between the authorities concerned, the diplomatic mission in the Federal Republic of the sending State concerned may make representations to the Federal Government. The Federal Government, giving due consideration to the interests of German administration of justice and to the interests of the sending State, shall resolve the disagreement in the exercise of its authority in the field of foreign affairs.

5. (a) With the consent of the German authorities, the military authorities of a sending State which has requested the waiver under paragraph 1 of this Article may transfer to the German courts or authorities for investigation, trial and decision, particular criminal cases in which jurisdiction rests with that State.

(b) With the consent of the military authorities of a sending State which has requested the waiver under paragraph 1 of this Article, the German authorities may transfer to the military authorities of that State for investigation, trial and decision, particular criminal cases in which jurisdiction rests with the Federal Republic.

6. (a) Where a German court or authority exercises exclusive jurisdiction under sub-paragraph (b) of paragraph 2 of Article VII of the NATO Status of Forces Agreement, a copy of any document served on the accused shall be delivered, upon special or general request of the sending State concerned, to the liaison agency referred to in Article 32 of the present Agreement.

(b) The liaison agency shall lend its assistance to the German courts and authorities to facilitate service of process in criminal matters.

7. In the implementation of the provisions of this Article and to facilitate the expeditious disposal of offences of minor importance, arrangements may be made between the military authorities of a sending State or States and the competent German authorities. These arrangements may also extend to dispensing with notification and to the period of time referred to in paragraph 3 of this Article within which the waiver may be recalled.

#### ARTICLE 20

1. The military authorities of a sending State may, without a warrant of arrest, take into temporary custody any person not subject to their jurisdiction

- (a) if such person is caught or pursued in *flagrante delicto* and either
  - (i) the identity of the person cannot be established immediately, or
  - (ii) there is reason to believe that the person may flee from justice; or
- (b) if so requested by a German authority; or
- (c) if such person is a member of the force or of the civilian component of another sending State, or a dependent of any such member, upon request by an authority of that State.

2. If there is danger in delay and a German public prosecutor or German police officer cannot be called in time, the military authorities of a sending State may, without a warrant of arrest, take into temporary custody a person not subject to their jurisdiction if there are strong reasons to suspect (*dringender Verdacht*) that such person has committed or is making a punishable attempt to commit an offence within, or directed against, an installation of that State, or an offence punishable under Article 7 of the Fourth Law Amending the Criminal Law dated 11 June 1957 (*Bundesgesetzblatt Teil I*, page 597) in conjunction with Sections 99, 100, 100 c, 100 d, 100 e, 109 f, 109 g, and 363, of the German Criminal Code, or under such legislation as may replace these provisions in future. This provision shall apply only if the person in question is a fugitive from justice or in hiding or if there are good reasons to fear that he is seeking to evade criminal proceedings consequent upon the commission of such offence or punishable attempt.

3. In cases falling within paragraph 1 or 2 of this Article the military authorities may, to such extent as may be necessary, disarm the person so taken in temporary custody, and may search him and seize any items in his possession which may serve as evidence for the purposes of the investigation of the suspected or alleged offence.

4. The military authorities shall, without delay, deliver any person taken into temporary custody in accordance with this Article, together with any weapons or other items so seized, to the nearest German public prosecutor or police officer or judge or to the military authorities of the sending State to whose force or civilian component the person belongs either as a member or as a dependent of such member.

5. The provisions of this Article shall not affect the constitutional immunities of the parliaments of the Federation and the *Länder*.

#### ARTICLE 21

1. Where an investigation is initiated or an arrest made by a German authority in respect of an act punishable under Article 7 of the Fourth Law Amending the Criminal Law Dated 11 June 1957 (*Bundesgesetzblatt, Teil I*, page 597) or under such legislation as may replace that Article in future, the German authorities conducting the investigations shall notify the military authorities of the sending State concerned without delay. The same shall apply if a German authority initiates an investigation or makes an arrest in respect of an act otherwise directed against the security of a sending State or of its force.

2. Where an investigation is initiated or an arrest made in the Federal territory by a competent authority of a sending State in respect of

an act committed in the Federal territory and relating to matters affecting the security of the Federal Republic, this authority shall inform the German authorities without delay.

## ARTICLE 22

1. (a) Where jurisdiction is exercised by the authorities of a sending State, custody of members of the force, of the civilian component, or dependents shall rest with the authorities of that State.  
(b) Where jurisdiction is exercised by the German authorities, custody of members of a force, of a civilian component, or dependents shall rest with the authorities of the sending State in accordance with paragraphs 2 and 3 of this Article.
2. (a) Where the arrest has been made by the German authorities, the arrested person shall be handed over to the authorities of the sending State concerned if such authorities so request.  
(b) Where the arrest has been made by the authorities of a sending State, or where the arrested person has been handed over to them under sub-paragraph (a) of this paragraph, they
  - (i) may transfer custody to the German authorities at any time;
  - (ii) shall give sympathetic consideration to any request for the transfer of custody which may be made by the German authorities in specific cases.
- (c) In respect of offences directed solely against the security of the Federal Republic, custody shall rest with the German authorities in accordance with such arrangements as may be made to that effect with the authorities of the sending State concerned.
3. Where custody rests with the authorities of a sending State in accordance with paragraph 2 of this Article, it shall remain with these authorities until release or acquittal by the German authorities or until commencement of the sentence. The authorities of the sending State shall make the arrested person available to the German authorities for investigation and criminal proceedings (Ermittlungs- und Strafverfahren) and shall take all appropriate measures to that end and to prevent any prejudice to the course of justice (Verdunkelungsgefahr). They shall take full account of any special request regarding custody made by the competent German authorities.

## ARTICLE 23

Where a person is arrested in any case referred to in paragraph 1 of Article 21 of the present Agreement, a representative of the sending State concerned shall have access to that person. Where a person arrested in any case referred to in paragraph 2 of that Article is held in custody by the authorities of a force, a German representative shall have a corresponding right to the extent to which the sending State avails itself of the right of access afforded by the first sentence of this Article. The German authorities and the military authorities of the sending State shall conclude such arrangements as may be required for the implementation of this Article. A representative of the State which has custody may be present when the right of access is exercised.

## ARTICLE 24

At the request of the Federal Republic or of a sending State, the German authorities and the authorities of that State shall conclude arrangements to facilitate the fulfilment of the obligation of mutual assistance provided for in sub-paragraph (a) of paragraph 5 and sub-paragraph (a) of paragraph 6 of Article VII of the NATO Status of Forces Agreement.

## ARTICLE 25

1. (a) Where criminal jurisdiction over a member of a force or of a civilian component or a dependent is exercised by a German court or a German authority, a representative of the sending State concerned shall have the right to attend the trial. Where an offence is solely directed against the security of the Federal Republic, or against any property within the Federal Republic, or against a German or a person present in the Federal territory, and jurisdiction is exercised in the Federal Republic by a court or authority of a sending State, a German representative shall have the right to attend the trial.

(b) For the purpose of the provisions set forth in sub-paragraph (a) of this paragraph

(i) the expression "property within the Federal Republic" shall not include property belonging either to a force or a civilian component or to a member of a force or of a civilian component or to a dependent;

(ii) the expression "a person present in the Federal territory" shall not include a member of a force or of a civilian component or a dependent.

(c) The provisions set forth in sub-paragraph (a) of this paragraph shall not apply if the attendance of a national representative is incompatible with the security requirements of the State exercising jurisdiction which are not at the same time security requirements of the other State.

(d) German courts and authorities on the one hand, and the courts and authorities of the sending State on the other hand, shall give each other timely notification of place and time of the trial.

2. Under the conditions stated in paragraph 1 of this Article a representative of the sending State shall also have a right to attend interrogations and other pre-trial investigations to such extent as may be agreed between the authorities of that State and those of the Federal Republic. If such arrangements are concluded, they shall, under the conditions stated in paragraph 1, give to a German representative a right corresponding to that of the representative of the sending State, and shall provide procedures for reciprocal notification.

## ARTICLE 26

1. Where a member of a force or of a civilian component or a dependent is arraigned before a court of a sending State for an offence committed in the Federal territory against German interests, the trial shall be held in that territory

(a) except where the law of the sending State requires otherwise, or

(b) except where, in cases of military exigency or in the interests of justice, the authorities of the sending State intend to hold the trial outside the Federal territory. In this event they shall afford the German authorities timely opportunity to comment on such intention and shall give due consideration to any comments the latter may make.

2. Where the trial is held outside the Federal territory, the authorities of the sending State shall inform the German authorities of the place and date of the trial. A German representative shall be entitled to be present at the trial, except where his presence is incompatible with the rules of the court of the sending State or with the security requirements of that State, which are not at the same time security requirements of the Federal Republic. The authorities of the sending State shall inform the German authorities of the judgment and of the final outcome of the proceedings.

## ARTICLE 27

Sections 212 to 212 (b) of the German Code of Criminal Procedure, relating to expedited procedure, shall not be applicable in criminal proceedings against members of a force, of a civilian component, or against dependents.

## ARTICLE 28

1. The military police of a force shall have the right to patrol on public roads, on public transport, in restaurants (Gaststätten) and in all other places to which the public has access and to take such measures with respect to the members of a force, of a civilian component or dependents as are necessary to maintain order and discipline. Insofar as it is necessary or expedient the details of the exercise of this right shall be agreed upon between the German authorities and the authorities of the force, who shall maintain close mutual liaison.

2. If public order and safety are endangered or disturbed by an incident in which members of a force or of a civilian component or dependents are involved, the military police of a force shall, if so requested by the German authorities, take appropriate measures with respect to such persons to maintain or restore order and discipline.

## ARTICLE 29

1. The Federal Republic shall bring about such legislative measures as it deems necessary to ensure the adequate security and protection within its territory of the forces, of the civilian components and of their members. This shall also apply to the Armed Forces of a sending State stationed in Berlin, to the civilian component thereof and to their members with regard to offences committed within the Federal territory.

2. To implement paragraph 11 of Article VII of the NATO Status of Forces Agreement and paragraph 1 of this Article the Federal Republic shall, in particular,

(a) ensure, in accordance with the provisions of German criminal law on treason, the protection of military secrets of the sending States;

(b) ensure, by way of criminal law, the protection of a force, a civilian component and their members to an extent not inferior

to the protection which is or will be afforded to the German Armed Forces in the following fields:

- (i) influencing the force, the civilian component or their members with intent to undermine their willingness to serve;
- (ii) exposing the force to contempt;
- (iii) inducement to disobedience;
- (iv) inducement to desertion;
- (v) facilitation of desertion;
- (vi) sabotage;
- (vii) collection of information concerning military matters;
- (viii) operation of a military intelligence service;
- (ix) reproduction or description of military equipment, military installations or facilities, or of military activities;
- (x) taking of aerial photographs.

3. For the purposes of sub-paragraph (a) of paragraph 2 of this Article, the term "military secrets" shall mean such facts, objects, conclusions and discoveries, in particular writings, drawings, models, formulae, or information about them, as concern defence and are kept secret by an agency of a sending State located on Federal territory or in Berlin out of consideration for the security of that State or of its force, or its Armed Forces stationed in Berlin. The term shall not include objects in respect of which the decision about keeping them secret is a matter for the Federal Republic, or information concerning such objects.

#### ARTICLE 30

To facilitate the implementation of Article VII of the NATO Status of Forces Agreement and the provision of the present Agreement supplementary thereto, and to ensure their uniform application, Mixed Commissions composed of a German representative to be appointed by the Federal Government and a representative of the sending State concerned shall be constituted at the request of either party. The task of these Mixed Commissions shall be to discuss questions submitted to them by the Federal Government or the highest authority of the force concerned with respect to the application of the provisions referred to in this Article. The German authorities and the authorities of the sending State shall give sympathetic consideration to any joint recommendation made by a Mixed Commission.

#### ARTICLE 31

With respect to the right to free judicial assistance and the exemption from the obligation to post security for costs, members of a force or of a civilian component shall enjoy the rights determined in agreements in force in these fields between the Federal Republic and the sending State concerned. The presence on duty of such persons in the Federal territory shall, in the application of such agreements, be deemed to be residence therein.

#### ARTICLE 32

1. (a) Service upon members of a force, of a civilian component, or on dependents of a plaint or other document or court order initiating noncriminal proceedings before a German court in

authority shall be made through a liaison agency to be established or designated by each of the sending States. The German courts or authorities may request the liaison agency to ensure service of other documents arising in such proceedings.

(b) Receipt of an application submitted by a German court or authority for service shall be acknowledged by the liaison agency without delay. Service shall be effective when the document to be served is delivered to the addressee by his unit commander or by a representative of the liaison agency. Notification in writing that service has been effected shall be given without delay to the German court or authority.

(c) (i) If, upon the expiry of a period of twenty-one days from the date of acknowledgement of receipt by the liaison agency, the German court or authority has received neither notification in writing that service has been effected in accordance with subparagraph (b) of this paragraph nor any communication stating that it has not been possible to effect service, the court or authority shall forward to the liaison agency another copy of the application for service with notice that seven days after receipt by the liaison agency service shall be deemed to have been effected. At the expiry of this seven-day period, service shall be deemed to have been effected.

(ii) Service shall not, however, be deemed to have been effected if the liaison agency notifies the German court or authority prior to the expiry of the period of twenty-one days or seven days, as the case may be, that it has not been able to effect service. The liaison agency shall inform the German court or authority of the reasons for its inability to do so.

(iii) In the case specified in item (ii) of this sub-paragraph, the liaison agency may also request the German court or authority to extend the period stating in such request the reasons therefor. If this request for extension is accepted by the German court or authority, items (i) and (ii) shall be applicable *mutatis mutandis* to the period so extended.

2. Where a German court or authority serves a judgment or a document in appellate proceedings (Rechtsmittelschrift), a copy thereof shall, upon special or general request of the sending State concerned, be delivered to the liaison agency of that State without delay, except where the liaison agency itself is, in accordance with the second sentence of sub-paragraph (a) of paragraph 1 of this Article, requested to effect such service.

#### ARTICLE 33

Members of a force, of a civilian component or dependents shall not suffer prejudice to their interests when official duties or duly authorized absence temporarily prevents their attendance at non-criminal proceedings to which they are parties.

#### ARTICLE 34

1. The military authorities shall render all assistance in their power to secure compliance with judgments, decisions, orders and settlements (vollstreckbare Titel) in non-criminal proceedings of German courts and authorities.

2. A member of a force or of a civilian component or a dependent shall not be deprived of his personal liberty by a German court or authority whether to enforce a judgment, decision, order and settlement, to compel an oath of disclosure (Offenbarungseid) or for any other reason resulting from non-criminal proceedings.

3. A payment due to a member of a force or of a civilian component from his Government shall be subject to attachment, garnishment or other form of execution ordered by a German court or authority only to the extent permitted by the law applicable in the territory of the sending State.

4. Where the enforcement of a judgment, decision, order and settlement in non-criminal proceedings of a German court or authority is to take place within an installation of a force, such enforcement shall be effected by a German enforcement officer in the presence of a representative of the force.

#### ARTICLE 35

Where a judgment, decision, order and settlement (vollstreckbarer Titel) of a German court or authority is to be enforced against a debtor to whom a payment is due in respect of employment with a force or civilian component in accordance with the provisions of Article 56 of the present Agreement or in respect of direct deliveries or services to a force or a civilian component, the following provisions shall apply:

(a) Where such a payment is made through a German authority and that authority has been requested by an enforcing agency to make the payment to the judgment creditor instead of to the debtor, that authority shall be entitled to comply with such request within the scope of the provisions of German law.

(b)(i) Where such a payment is not made through a German authority, the authorities of the force or of the civilian component shall, upon request by an enforcing agency and insofar as the law of the sending State concerned permits, deposit with the competent agency out of the sum admitted to be owing to the debtor the sum specified in the request. Such deposit shall operate as a discharge of the force or the civilian component from its obligation to the debtor to the extent of the amount deposited.

(ii) insofar as the law of the sending State concerned does not permit the procedure prescribed in item (i) of this subparagraph, the authorities of the force or of the civilian component shall take all appropriate measures to assist the enforcing agency in the execution of the judgment, decision, order and settlement in question.

#### ARTICLE 36

1. Service by German courts and authorities upon members of a force, of a civilian component or on dependents shall not be effected by publication or advertisement.

2. Where service of any document is to be effected by a German process server upon any person who is inside an installation of a force, the authority of the force responsible for the administration of the

installation shall take all measures necessary to enable the German process server to effect such service.

## ARTICLE 37

1. (a) Where a member of a force or of a civilian component is summoned to appear before a German court or authority, the military authorities, unless military exigency requires otherwise, shall secure his attendance provided that such attendance is compulsory under German law. The liaison agency shall be requested to ensure execution of such summons.

(b) The provisions of sub-paragraph (a) of this paragraph shall apply *mutatis mutandis* to dependents insofar as the military authorities are able to secure their attendance, otherwise dependents will be summoned in accordance with German law.

2. Where persons whose attendance cannot be secured by the military authorities are required as witnesses or experts by a court or a military authority of a sending State, the German courts and authorities shall, in accordance with German law, secure the attendance of such persons before the court or military authority of that State.

## ARTICLE 38

1. If in the course of criminal or non-criminal proceedings or hearings before a court or authority of a force or of the Federal Republic it appears that the disclosure of an official secret of either of the States concerned, or the disclosure of any information which could prejudice the security of either of them might result, the court or the authority shall, prior to taking further action, seek the written consent of the appropriate authority to the disclosure of the official secret or information. In the event that the appropriate authority advances considerations against disclosure, the court or authority shall take all steps in its power, including those to which paragraph 2 of this Article relates, to prevent such disclosure, provided no constitutional right of any party to the proceedings is thereby impaired.

2. The provisions of Sections 172 to 175 of the German Judicature Act (Gerichtsverfassungsgesetz) on the exclusion of the public from hearings in criminal and non-criminal proceedings, and of Section 15 of the German Code of Criminal Procedure on the transfer of criminal proceedings to a court in a different district, shall be applied *mutatis mutandis* in cases before German courts and authorities where there is a threat to the security of a force or of a civilian component.

## ARTICLE 39

Privileges and immunities of witnesses and experts shall be those accorded by the law of the court of authority before which they appear. The court or authority shall, however, give appropriate consideration to the privileges and immunities which witnesses and experts, if they are members of a force or of a civilian component or dependents, would have before a court of the sending State, or if they do not belong to these categories of persons, would have before a German court.

## ARTICLE 40

Subject to any provision to the contrary in the NATO Status of Forces Agreement or in the present Agreement, archives, documents, official mail recognizable as such and property of a force shall be immune from search, seizure or censorship by the German authorities except where immunity is waived.

## ARTICLE 41

1. The settlement of claims in respect of damage caused by acts or omissions of a force, a civilian component or their members, or by other occurrences for which a force or a civilian component is legally responsible, shall be governed by the provisions of Article VIII of the NATO Status of Forces Agreement and the provisions of this Article supplementary thereto.

2. No compensation shall be payable in respect of

(a) damage to public roads, highways, bridges, navigable waterways and other public traffic facilities resulting from their use by a force or a civilian component for normal traffic purposes;

(b) loss of or damage to property which has been constructed or procured from occupation costs, mandatory expenditures or support costs funds, to the extent that such loss or damage was caused while the property was at the disposal of a force or a civilian component for its use.

3. (a) The Federal Republic shall waive all its claims against a sending State in respect of loss of, or damage to, property owned by the Federal Republic and made available for the exclusive use of the force or of the civilian component. This shall apply equally if such property is made available for use by the forces of several sending States or is used by the force of one or more sending States jointly with the German Armed Forces. This waiver shall not apply to damage caused wilfully or by gross negligence, nor to damage to the property of the German Federal Railways or German Federal Post.

(b) The provisions of sub-paragraph (f) of paragraph 2 of Article VIII of the NATO Status of Forces Agreement shall not apply to loss of or damage to property owned by the German Federal Railways or the German Federal Post nor to damage to Federal roads.

4. The Federal Republic shall relieve the sending States of liability for claims arising from loss of or damage to property owned by a Land, if the loss or damage was caused prior to the entry into force of the present Agreement.

5. Each sending State shall waive all its claims against the Federal Republic in respect of loss of or damage to property owned by such sending State and caused by members or employees of the German Armed Forces in the performance of official duties or by the use of vehicles, ships, or aircraft of the German Armed Forces, provided that it is property used by the force or the civilian component of that State and that it is located in the Federal territory. This waiver shall not apply to damage caused wilfully or by gross negligence.

6. The provisions of paragraph 5 of Article VIII of the NATO Status of Forces Agreement and of this Article shall not apply to damage suffered by members of a force or of a civilian component

and caused by acts or omissions of other members of the same force or the same civilian component, or by other occurrences for which such force or such civilian component is legally responsible.

7. The organizations referred to in paragraph 2 of Article 71 shall for the purpose of the settlement of damage claims in accordance with Article VIII of the NATO Status of Forces Agreement in conjunction with this Article be considered to be, and treated as, integral parts of the force concerned unless it is agreed that any such organization shall not enjoy in that respect exemption from German jurisdiction.

8. The liability of a force or of a civilian component shall not be affected by the fact that such force or civilian component enjoys exemption from German regulations. Where the German Armed Forces enjoy the same exemptions, compensation shall be payable only if and to the extent that compensation is payable for damage caused by the latter.

9. (a) In cases where an occurrence causing damage to a third party and compensable under paragraph 5 of Article VIII of the NATO Status of Forces Agreement has also given rise to damage to the sending State concerned, and where the third party is liable to compensate for such damage, the claim of the sending State is to be set off against the claim of the third party.

(b) The Federal Republic shall, in accordance with administrative agreements, and at the request of a sending State, assert for that State claims against persons resident in the Federal territory and arising out of damage caused there to such State; this shall not apply to contractual claims. Such expenses which the Federal Republic incurs in asserting claims over and above the general costs of administration shall be reimbursed by the sending State.

10. In respect of claims concerning damage to accommodation or loss of, or damage to, movables, other than accommodation or movables owned by the Federation or by a Land, which were made available for exclusive use by a force or a civilian component before 5 May 1955, and which are released by the force or the civilian component after the entry into force of the present Agreement, compensation shall be borne by the Federal Republic and the sending State concerned in equal parts.

11. (a) Except in cases where after inquiry of the forces concerned it is not possible to establish to which of them the loss or damage is attributable, the force shall furnish a certificate concerning the questions dealt with in paragraph 8 of Article VIII of the NATO Status of Forces Agreement; it shall, at the request of the German authorities, review such certificate if, during investigation of a claim, a German authority or a German court considers that circumstances exist which would lead to an inference different from that contained therein.

(b) If a difference of opinion remains that cannot be resolved in further discussions between the two parties at higher level, the procedure provided in paragraph 8 of Article VIII of the NATO Status of Forces Agreement shall be followed.

(c) The German authorities or courts shall make their decisions in conformity with the certificate or the decision of the arbitrator respectively.

12. (a) The provisions of Article VIII of the NATO Status of Forces Agreement and of this Article shall apply to those damages

which are caused or which are deemed to be caused after the entry into force of the present Agreement.

(b) Damages which were caused before the entry into force of the present Agreement, or which are deemed to have been caused before that date, shall be dealt with in accordance with the regulations which were until then applicable.

13. Administrative agreements shall be concluded to regulate procedures as between the authorities of a force and the German authorities for the settlement of damage claims.

#### ARTICLE 42

In order to safeguard the security interests of the forces the following provisions shall apply for the control of aerial photography:

(a) Upon request, the German authorities shall notify the authorities of a force of all applications for licence to engage in commercial aerial photography (Grunderlaubnis) which they intend to grant. They shall take into consideration the comments of the force when making their decision in any particular case.

(b) (i) Subject to the provisions of item (iv) of this sub-paragraph, the German authorities shall forward to the authorities of a force copies of all applications for permits to photograph (Aufnahmeerlaubnisse) which they intend to grant.

(ii) Where within ten days after a copy has been received the authorities of the force raise objections on grounds of secrecy or security and where consultations between the German authorities and the authorities of the force are inconclusive, the matter shall be dealt with without delay at a higher level. The German authorities shall not permit aerial photography of installations, equipment, troop dispositions or movements of a force if the authorities of the force state that its security would be endangered thereby.

(iii) Subject to the provisions of item (iv) of this sub-paragraph, the German authorities shall, upon request, permit the authorities of a force to examine negatives of aerial photographs, and in agreement with the authorities of the force shall take, with respect to such negatives, any measures necessary to safeguard the secrecy or security of installations, equipment, troop dispositions or movements of the force.

(iv) The exercise of the rights of a force provided for in items (i) and (iii) of this sub-paragraph shall be limited to the geographical areas defined in administrative agreements to be concluded with the German authorities.

(c) Notwithstanding the provisions of item (ii) of sub-paragraph (b) of this Article, permission to photograph may be granted by the German authorities, after consultation with the authorities of the force referred to in item (iv) of sub-paragraph (b) of this Article, where aerial photography for official survey purposes is commissioned by a German authority. In such cases the German authorities shall ensure that the authorities of the force will have first access to negatives and that any measures

requested by them to safeguard the secrecy or security of installations, equipment, troop dispositions or movements of a force, are carried out with respect to such negatives.

## ARTICLE 43

1. In the fields of meteorology, geodesy, topography, hydrography and cartography, the authorities of a force and the German authorities shall communicate to each other information on all matters of importance for the common defence and shall exchange all data necessary for this purpose.

2. The authorities of a force may, after timely notification to the German authorities, make topographic, geodetic, hydrographic or engineering surveys or reconnaissances in the interest of the common defence if special reasons of security or secrecy necessitate this or if the German authorities are unable to carry out such projects to the extent or within the time required. Representatives of the German authorities may be present, unless prohibited by special reasons of secrecy, while any such survey is being made. The German authorities shall, when necessary, use their powers under German law in order to obtain authority for representatives of the force to enter property.

## ARTICLE 44

1. In the settlement of disputes arising from contracts concluded by the German authorities for the account of the authorities of a force or of a civilian component there shall at all times be close co-operation between those authorities, whether or not court proceedings are involved. This shall apply *mutatis mutandis* to disputes arising out of work, personnel representation, or social insurance of civilian labour with a force or a civilian component, as well as to disputes which arise from procedures referred to in sub-paragraph (c) of paragraph 1 of Article 62 of the present Agreement. Details of such cooperation shall be laid down in administrative agreements.

2. So far as they relate to court proceedings instituted against the Federal Republic, the agreements referred to in paragraph 1 of this Article shall be based on the following principles:

(a) The authorities of the force or of the civilian component shall be notified without delay of the lodging of a plaint and shall be consulted at all material stages of the proceedings.

(b) The decision as to whether or not an appeal should be lodged shall be taken only in agreement with the authorities of the force or of the civilian component. Failing agreement, the German authorities shall lodge an appeal if an authority of the force or, where applicable, an authority of the civilian component, at highest level, confirms its essential interest in that action being taken. The authorities of the force or of the civilian component shall not object to the lodging of an appeal if a Federal authority at the highest level confirms its essential interest in that action being taken. To the extent that the reasons underlying the confirmation of the interest referred to in the second and third sentences of this paragraph have not become known to the other party in the course of negotiations on the lodging of an appeal, such reasons shall be given on request..

3. Paragraph 2 of this Article shall apply *mutatis mutandis* to court proceedings instituted by the Federal Republic, it being understood that the principles set out in sub-paragraph (b) of paragraph 2 shall also be applied to the lodging of plaints.

4. Whether or not court proceedings are involved in the disputes referred to in paragraph 1 of this Article, the German authorities shall terminate such disputes only in agreement with the authorities of the force or of the civilian component.

5. (a) The sending State concerned shall meet all the obligations laid upon, and shall enjoy any benefits accruing to the Federal Republic as a result of judgments, decisions, orders and settlements (*vollstreckbare Titel*) in the court proceedings arising from disputes referred to in paragraph 1 of this Article.

(b) Where, solely as a result of a Federal authority at the highest level having confirmed its essential interest in the lodging of a plaint or an appeal, the force or the civilian component has raised no objection to that action being taken, and if the plaint or appeal gives rise to additional costs in the court proceedings, agreement shall be reached on a case to case basis as to whether and to what extent the obligations arising from such court proceedings are chargeable to the sending State or to the Federal Republic.

(c) Costs arising in connection with court proceedings which are not included in the costs awarded by the court shall be paid by the sending State if the force or the civilian component has given its agreement before the costs were incurred.

6. (a) Disputes arising from direct procurement by the authorities of a force or of a civilian component of goods and services in the Federal territory shall be settled by German courts or by an independent arbitration tribunal. Where the German courts are to decide the dispute, the plaint shall be lodged against the Federal Republic, which shall conduct the case in its own name in the interest of the sending State. Paragraphs 2, 4 and 5 of this Article shall apply *mutatis mutandis* as regards relations between the Federal Republic and the sending State.

(b) Agreements between the Federal Republic and a sending State shall, however, take precedence over the provisions of sub-paragraph (a) of this paragraph.

#### ARTICLE 45

1. Insofar as a force is not able to carry out its training programme on the accommodation made available for its permanent use without impairing the purposes of such training, the force shall have the right to conduct manoeuvres and other training exercises outside such accommodation in such measure as is necessary to the accomplishment of its defence mission and in accordance with orders or recommendations which the Supreme Allied Commander in Europe or any other competent authority of the North Atlantic Treaty Organization may issue. The exercise of this right shall be governed by the relevant provisions of German law on the conduct of manoeuvres and other training exercises, except where otherwise provided in paragraphs 2 to 7 of this Article.

2. (a) A force shall take all necessary measures to ensure that damage during the conduct of manoeuvres and other training

exercises will be prevented as far as possible and that the economic use of plots of land (Grundstücke) is not substantially impaired.

(b) The force shall not re-use a plot of land on which considerable damage has been caused by manoeuvres or other training exercises, for a period of three months, except with the consent of the German authorities.

(c) If the economic use of a plot of land has been substantially impaired by manoeuvres or other training exercises conducted by a force, the force shall refrain from conducting manoeuvres or other training exercises on such plot of land for so long as it is to be feared that manoeuvres or other training exercises might lead to further or renewed substantial impairment of the economic use of such plot of land.

(d) Should the German authorities raise objections to the utilization of a specific plot of land on the grounds that its utilization is prohibited under sub-paragraph (b) or (c) of this paragraph, they shall, on the request of the authorities of the force, enter into negotiations on the use of an alternative plot of land which satisfies the training requirements of the force, taking due account of German interests as well as of military requirements.

(e) Provisions of German law according to which the same terrain (Gelände) shall only in exceptional cases be used more than once in three months for exercises lasting several days shall not be applicable to a force.

3. To the extent that military reasons render it indispensable that a force utilise a nature preserve or a nature park or parts thereof, the Federal Government shall, unless the person entitled consents to such utilization, conclude with the Government of the sending State an agreement defining such nature preserve or nature park or parts thereof, and establishing to the extent necessary details of the utilization. In accordance with the agreement concluded, the force may utilise such nature preserve or nature park or parts thereof without the consent of the person entitled to grant it.

4. If the German authorities propose, instead of an area envisaged by the authorities of the force for the conduct of a manoeuvre or other training exercise, an alternative area which suffices for the training requirements of the force, the force shall not conduct the manoeuvre or other training exercise in the area first envisaged.

5. (a) The authorities of a force shall notify the German authorities at the earliest possible date of their programmes of manoeuvres and other training exercises.

(b) Prior to the commencement of a manoeuvre or other training exercise, the authorities of the force shall communicate to the German authorities by a given date, to be established by agreement between the Federal Government and the Governments of the sending States, a plan for the conduct of the manoeuvre or the other training exercise in question together with all necessary documentation and explanations and shall, if requested by the German authorities, discuss such plan with them. Such plan shall in particular contain data on the type, time of commencement, duration, and place, of the exercises and shall state whether

public ways are to be wholly or partly closed or to be used other than as stipulated by German law, and if so, what safety measures are to be taken. Where use is to be made of aircraft in connection with a manoeuvre or other training exercise, such plan shall contain details of such use; Article 46 of the present Agreement shall remain unaffected.

(c) Should no objections be raised by the German authorities to a plan within a fixed period of time to be established by agreement between the Federal Government and the Government of a sending State, the authorities of the force may act on the assumption that no such objections exist.

(d) Should the German authorities raise objections to a plan, endeavours shall be made without delay by way of joint discussion to reach agreement, taking due account both of German interests and of military requirements.

(e) Should the German authorities and the authorities of the force, either at local or at regional level, fail to reach agreement upon a plan within an appropriate period of time, the matter shall, at the request of the German authorities or the authorities of the force, be further discussed by the Federal Government and the Government of the sending State in order to reach agreement.

(f) Should the Federal Government and the Government of the sending State fail to reach agreement on a plan within an appropriate period of time, each Government may refer the matter to the Secretary-General of the North Atlantic Treaty Organization with a request for his expert opinion as to whether the planned manoeuvre or other training exercise is of primary importance to the accomplishment of the defence mission of the force and in conformity with the directives laid down within the framework of the North Atlantic Treaty Organization. Such expert opinion shall be given due consideration in the course of further negotiations between the Governments.

(g) The force shall conduct the manoeuvre or other training exercise in accordance with the agreement reached on the plan.

6. (a) After agreement has been reached on a plan, the authorities of the force shall inform the German authorities of their intention to conduct the manoeuvre or other training exercise in sufficient time to enable the German authorities to announce the manoeuvre or other training exercise at least two weeks prior to its commencement.

(b) If for important reasons not foreseen during the discussion of the plan the German authorities raise objections to the conduct of the manoeuvre or other training exercise in a specific area or at a specific time, especially on the grounds that the manoeuvre or other training exercise would endanger public safety and order or public health, or would as a result of weather conditions cause considerable damage, endeavours shall be made without delay by way of joint discussion to reach agreement, taking due account of these reasons.

(c) The local German authorities shall establish restrictive conditions, which under German law they may establish in individual cases (paragraph 1 of Section 66 of the Federal Requisitioning Law) only in agreement with the authorities of a force to the extent that the force is affected thereby.

7. For the purpose of effective coordination of civilian and military interests in the application of this Article, the Federal Government and the Government of a sending State may by agreement establish a Permanent Committee.

## ARTICLE 46

1. A force shall have the right to conduct manoeuvres and other training exercises in the air in such measure as is necessary to the accomplishment of its defence mission and in accordance with orders or recommendations which the Supreme Allied Commander in Europe or any other competent authority of the North Atlantic Treaty Organization may issue. Except where otherwise provided in paragraphs 2 to 6 of this Article, the exercise of this right shall be governed by German regulations on the use of air space and the utilization of aviation installations and facilities which fall within the scope of the Standards and Recommended Practices of the International Civil Aviation Organization.

2. A force shall not, without the specific consent of the persons entitled and of the German authorities, temporarily occupy or close airfields not made available for its exclusive use. The same shall apply to installations designed to ensure air traffic safety.

3. The authorities of a force and the German authorities shall reach agreement regarding areas which may be flown over at altitudes lower than otherwise permissible.

4. Air manoeuvres and other air exercises which affect controlled air space and which cannot be cleared by normal air traffic clearance procedure, or which require the issue of a navigational warning, shall be notified to the German authorities in good time. Notification procedure shall follow the decisions of the Standing Commission for co-ordination of aviation or its successor organization.

5. Where agreement on particular measures for co-ordination is not reached between the authorities of a force and the air traffic control authorities within an appropriate period of time, the matter shall be referred to the Standing Commission for co-ordination of aviation or its successor organization.

6. The provisions of Article 45 of the present Agreement shall be applicable to off-base landings as well as to parachute jumps or drops on to accommodation not made available to a force for its permanent use.

## ARTICLE 47

1. The Federal Republic shall accord to a force or a civilian component treatment in the matter of procurement of goods and services not less favourable than is accorded to the German Armed Forces.

2. Having regard to any measures which may become necessary under the second sentence of paragraph 2 of Article IX of the NATO Status of Forces Agreement, the authorities of a force or of a civilian component shall, on request, inform the German authorities of their requirements for defined categories of supplies.

3. A force or a civilian component may procure goods and services which they need either direct, or, after prior agreement, through the appropriate German authorities.

4. Where the authorities of a force or of a civilian component procure goods and services direct,

(a) they may apply their normal procedure, provided, however, that they respect the principles applying in the Federal Republic regarding public procurement which are reflected in the regulations concerning public competition, preferred tenderers, and prices applicable to public contracts;

(b) they shall inform the German authorities of the subject and size of the order, the name of the supplier and the agreed price, except in the case of minor orders.

5. Where the authorities of a force or of a civilian component procure goods and services through the German authorities,

(a) the authorities of the force or of the civilian component shall inform the German authorities in good time of their requirements in detail, giving, in particular, technical specifications and special conditions of delivery and payment;

(b) contracts in respect of goods and services shall be concluded between the German authorities and the suppliers; the German legal and administrative provisions governing public contracts shall apply thereto:

(c) the German authorities, without prejudice to their exclusive competence vis-à-vis the supplier, shall allow the authorities of the force or of the civilian component to participate in the placing and carrying out of contracts to the extent necessary for taking their interests duly into account; in particular, no contract will be placed or modified without the written consent of the authorities of the force or of the civilian component; unless otherwise agreed, acceptance of goods and services shall be made jointly;

(d) the sending State shall reimburse the Federal Republic in respect of:

(i) any expenditure incumbent upon the Federal Republic under German law relating to public contracts, provided that expenditure arising from settlements out of court shall be reimbursed only if the force has consented to the settlement;

(ii) *ex gratia* payments made with the consent of the force;

(iii) expenditure, which cannot be charged to the contractor, arising from measures taken by the German authorities in cases of emergency in order to safeguard the interests of the force or of the civilian component;

(e) the necessary funds shall be made available by the authorities of the force and of the civilian component in time to permit payment to be made on due dates;

(f) the authorities of the force or of the civilian component shall be entitled, in a manner to be agreed, to audit documents relative to payments made by the competent German payment agencies;

(g) details of the procedures under sub-paragraphs (a), (c), (d), (e) and (f) of this paragraph shall be established in administrative agreements between the German authorities and the authorities of the force or of the civilian component, with the particular object of ensuring the carrying out of the procurement procedure within the time limits laid down.

## ARTICLE 48

1. (a) The accommodation requirements of a force or of a civilian component shall be satisfied only in accordance with the NATO Status of Forces Agreement and the provisions of the present Agreement.

(b) The accommodation requirements of a force or of a civilian component shall be notified to the Federal authorities in the form of periodic programmes. Outside such programmes, the authorities of a force shall notify accommodation requirements only in cases of urgency. Such notifications shall contain detailed specifications drawn up by the force, including in particular the general area, size, proposed utilization, foreseeable duration of the requirement and the dates by which the accommodation shall be made available.

(c) Agreements shall be concluded between the authorities of a force or of a civilian component and the German authorities on the satisfaction of accommodation requirements. Such agreements shall also cover access to accommodation (roads, railways, or waterways) and, where appropriate, the costs referred to in sub-paragraph (b) of paragraph 5 of Article 63. The measures to be taken in accordance with such agreements shall be carried out by the German authorities.

(d) The German authorities shall, when requested, name the enterprises which are responsible for supplying a force or a civilian component with water, gas, electricity, or for sewage disposal, and with whom contracts could be concluded. Insofar as the requirements of the force or of the civilian component cannot be satisfied by contracts between the authorities of the force or of the civilian component and the enterprises concerned, an agreement on the satisfaction of these requirements shall be concluded between the German authorities and the authorities of the force or of the civilian component, should the latter so request. The German authorities shall take appropriate measures to ensure the implementation of this agreement, if necessary by the conclusion of contracts.

2. The Federal Republic shall ensure that accommodation made available to a force or a civilian component within the framework of the provisions of the Forces Convention for its use and which is still in its possession upon the entry into force of the present Agreement shall remain available to the force or the civilian component until such time as it is to be released under sub-paragraphs (a) and (b) of paragraph 5 of this Article. This shall not apply to accommodation allocated for public transport or its supply facilities or for postal services or telecommunications; such accommodation shall be released insofar as it has not been otherwise agreed between the German authorities and the authorities of the force.

3. (a) Agreements (Überlassungsvereinbarungen) shall be concluded in writing in respect of the accommodation to be made available to a force or a civilian component pursuant to paragraph 1 of this Article; such agreements shall contain data concerning size, type, location, condition and equipment of the accommodation, as well as details concerning its use. The accommodation shall be made available exclusively to the requiring force or

civilian component for occupancy and use insofar as it is not otherwise agreed between the German authorities and the authorities of the force or of the civilian component.

(b) Sub-paragraph (a) of this paragraph shall apply *mutatis mutandis* to accommodation which remains available to a force or a civilian component pursuant to paragraph 2 of this Article.

4. A force or a civilian component shall be responsible for carrying out such repairs and maintenance as are required to keep the accommodation made available to it in a proper state of preservation, unless with respect to accommodation made available against payment, the agreements concluded pursuant to sub-paragraph (a) of paragraph 3 of this Article provide otherwise.

5. The following provisions shall apply to the release of accommodation by a force or a civilian component:

(a)(i) The authorities of a force or of a civilian component shall continually examine their requirements for accommodation, in order to ensure that the number and extent of the units of accommodation used by them are restricted to the minimum required. Furthermore, they shall at the request of the German authorities examine their requirements in specific individual cases. Without prejudice to any special agreements as to periods of use, accommodation which is no longer needed or for which alternative accommodation satisfying the needs of the force or of the civilian component is made available, shall, after prior notification to the German authorities, be released without delay.

(ii) The provisions in item (i) of this sub-paragraph shall apply *mutatis mutandis* where a force or a civilian component no longer requires the whole of a unit of accommodation and where partial release is possible.

(b) Without prejudice to the provisions of sub-paragraph (a) of this paragraph, the authorities of a force or of a civilian component shall give due consideration to requests by the German authorities for the release of a particular unit of accommodation in cases where, taking into account the common defence mission, German interest in the use of such accommodation clearly predominates.

(c) Accommodation made available after the entry into force of the present Agreement to a force or a civilian component for a limited period of time shall be released on the expiry of such period of time provided such time limit was fixed in accordance with the information given by the authorities of the force or the civilian component at the time when their requirement for accommodation was notified; the period of use may be extended insofar as the owner or other entitled person agrees, or as requisitioning is permissible under German procurement legislation (*deutsche Leistungsgesetzgebung*).

(d) Accommodation made available after the entry into force of the present Agreement to a force or a civilian component, and in respect of which an expropriation authority has issued an anticipatory possession order (*vorzeitige Besitzeinweisung*) under the Land Procurement Law, shall be released in the event of such possession order being rescinded.

(e) Articles which have been requisitioned together with accommodation and which are still within such accommodation shall

be released at the same time as the accommodation, unless the owner otherwise agrees.

## ARTICLE 49

1. The programmes of construction projects necessary to cover the requirements of a force or of a civilian component shall be agreed upon between the German authorities competent for Federal building and the authorities of the force or of the civilian component.

2. Construction works shall normally be carried out by the German authorities competent for Federal building in accordance with German legal provisions and administrative regulations in force, and in accordance with special administrative agreements.

3. The authorities of a force or of a civilian component may, after consultation with the German authorities, carry out construction works with their own personnel, or may, applying their normal procedures, place contracts direct with contractors.

(a) for minor construction projects, and

(b) exceptionally, in other cases,

in accordance with special administrative agreements which may exist at the date of entry into force of the present Agreement or which are concluded or amended thereafter, in carrying out such works, the authorities of the force or of the civilian component shall respect German building regulations and take into consideration the principles applying in the Federal Republic regarding public construction which are reflected in the regulations concerning competition, preferred tenderers and prices applicable to public contracts.

4. Repairs and maintenance work necessary to meet the requirements of a force or of a civilian component shall be carried out either by the German authorities or, after consultation with those authorities by the authorities of the force or of the civilian component in the second alternative the provisions of paragraph 3 of this Article shall apply *mutatis mutandis*.

5. The authorities of the force or of the civilian component and the German authorities shall agree concerning the form and extent of the consultation envisaged in paragraphs 3 and 4 of this Article.

6. When the work referred to in paragraphs 2 and 4 of this Article is carried out on behalf of a force or a civilian component by the German authorities.

(a) the authorities of the force or of the civilian component may, where they consider it necessary, participate in the drafting of the plans or may furnish plans and specifications themselves;

(b) the method of tender and, in the case of limited tender, the number and identity of the contractors to be invited, shall be agreed between the German authorities and the authorities of the force or of the civilian component;

(c) the contract shall be awarded only after the authorities of the force or of the civilian component have given their consent in writing;

(d) the authorities of the force or of the civilian component shall be permitted to participate in inspections of building work and shall have access to building plans and all relevant documents and accounts;

(e) the German authorities shall, unless it is otherwise agreed, confirm to contractors the satisfactory completion of major

sections of the work only in agreement with the authorities of the force or of the civilian component; in particular, the German authorities shall obtain the written consent of the authorities of the force or of the civilian component before releasing the contractor from his contractual obligations;

(f) the sending State shall reimburse the Federal Republic in respect of

(i) any expenditure incumbent upon the Federal Republic under German law relating to public contracts, provided that expenditure arising from settlements out of court shall be reimbursed only if the force has consented to the settlement;

(ii) *ex gratia* payments made with the consent of the force;

(iii) expenditure, which cannot be charged to the contractor, arising from measures taken by the German authorities in cases of emergency in order to safeguard the interests of the force or of the civilian component;

(g) the necessary funds shall be made available by the authorities of the force and of the civilian component in time to permit payment to be made on due dates;

(h) the authorities of the force or of the civilian component shall be entitled, in a manner to be agreed, to audit documents relative to payments made by the competent German payment agencies;

(i) the sending States shall compensate the German authorities, in accordance with administrative agreements, for the special services performed by the latter in connection with the implementation of construction works (construction planning, supervision and inspection).

#### ARTICLE 50

Fixtures, fittings and furnishings which are owned by the Federation may be transferred within the Federal Republic from one unit of accommodation used by a force or a civilian component to another, subject to the following restrictions:

(a) Articles of this kind, including those procured from occupation costs, mandatory expenditures or support costs funds, which were included in the construction costs of accommodation used by a force or a civilian component, shall be removed from such accommodation only with the consent of the German authorities.

(b) The consent of the German authorities shall equally be obtained before fixtures, fittings and furnishings which have been affixed to, or specially made to measure for, a specific unit of accommodation are removed. This shall not apply where such articles were procured from occupation costs, mandatory expenditures or support costs funds; however, the authorities of a force or of a civilian component shall, prior to the removal of such articles, give the German authorities timely notification of their intention so as to enable the latter, in appropriate cases, to propose an alternative solution.

## ARTICLE 51

1. Movable property procured from occupation costs, mandatory expenditures or support costs funds shall, when the authorities of a force or of a civilian component establish that such property is no longer required by them, be handed over to the German authorities for disposal.

2. Agreements in derogation of the provision in paragraph 1 of this Article may be reached concerning the sale or other forms of disposal of such movable property. Net receipts from such disposal shall accrue to the Federal Republic.

3. Movable property of the kind referred to in paragraph 1 of this Article may be removed from the Federal territory only if necessary to the fulfilment of the defence mission of NATO. Except as otherwise provided in paragraph 4, removal shall be governed by the following provisions:

(a) The German authorities shall be given prior, in urgent cases subsequent, notification of the removal.

(b) Notification to the German authorities shall not be required in the case of

(i) removal of articles of minor purchase value;

(ii) temporary removal of articles incidental to manoeuvres or activities of a force requiring frequent and repeated crossings of the borders of the Federal Republic.

4. Any removal of property of the kind referred to in paragraph 1 of this Article in connection with the transfer of units of a force for the purpose of reduction or complete withdrawal of the force shall be the subject of special agreements.

5. Paragraphs 1 and 2 of this Article shall remain unaffected in cases involving removal from the Federal territory; they shall apply equally where movable property of the kind referred to in paragraph 1 is no longer necessary to the fulfilment of the defence mission of NATO.

6. Fixtures, fittings and furnishings belonging to accommodation and procured from occupation costs, mandatory expenditures or support costs funds shall not be removed from the Federal territory.

7. Details shall be the subject of administrative agreements.

## ARTICLE 52

1. Where a sending State intends to release in whole or in part accommodation or other property legally owned by the Federation or a Land (*rechtlich im Eigentum des Bundes oder eines Landes stehend*) and made available to the force or to the civilian component for use, agreement shall be reached between the authorities of the force or of the civilian component and the German authorities concerning the residual value, if any, remaining at the time of release in improvements which were financed by the sending State out of its own funds. The sending State shall be reimbursed by the Federal Republic for such agreed residual value. The first and second sentences of this paragraph shall also apply to equipment and supplies procured by the sending State with its own funds and which by agreement are to remain on such accommodation.

2. Payment under paragraph 1 of this Article shall not be made to the extent that compensation for damage caused to accommodation

or other property by the sending State is payable under Article 41 of the present Agreement or would have been payable if the claim had not been waived or the sending State had not been relieved of liability for such claims under that Article.

3. A sending State shall not be required to remove improvements, articles of equipment, or supplies from accommodation or other property legally owned by the Federal Republic or by a Land (rechtlich im Eigentum des Bundes oder eines Landes stehend). Where the accommodation or other property is legally owned by a Land, the Federal Republic shall relieve the sending State from the liability for any possible claim that may be due to the Land under German law by reason of such non-removal.

4. A sending State shall not assert any claim in respect of the residual value of improvements to property of the kind referred to in paragraph 1 of this Article or in respect of improvements to property made available to the force or to the civilian components for use free of charge and owned by juristic persons in which the Federation or a Land financially participates, if the improvements have been financed out of funds made available to the sending State by the Federation or a Land. This shall not affect the setting off of the residual value of such improvements against compensation for damage caused during the period of use of such property by the force or the civilian component or during the removal of such improvement.

#### ARTICLE 53

1. Within accommodation made available for its exclusive use, a force or a civilian component may take all the measures necessary for the satisfactory fulfilment of its defence responsibilities. Within such accommodation, the force may apply its own regulations in the fields of public safety and order where such regulations prescribe standards equal to or higher than those prescribed in German law.

2. The first sentence of paragraph 1 of this Article shall apply *mutatis mutandis* to measures taken in the air space above accommodation, provided that measures which might interfere with air traffic are taken only in coordination with the German authorities. The provisions of paragraph 7 of Article 57 of the present Agreement shall remain unaffected.

3. In carrying out the measures referred to in paragraph 1 of this Article, the force or the civilian component shall ensure that the German authorities are enabled to take, within the accommodation, such measures as are necessary to safeguard German interests.

4. The German authorities and the authorities of the force or of the civilian component shall co-operate to ensure the smooth implementation of the measures referred to in paragraphs 1, 2 and 3 of this Article. The details of such co-operation are set forth in paragraphs 5 to 7 of the Section of the Protocol of Signature referring to this Article.

5. Where accommodation is used jointly by a force or a civilian component and the German Armed Forces or German civilian agencies, the regulations required for such use shall be laid down in administrative agreements or in special agreements in which appropriate consideration shall be given to the position of the Federal Republic as receiving State as well as to the defence responsibilities of the force.

6. In order to enable a force or a civilian component satisfactorily to fulfil its defence responsibilities, the German authorities shall take appropriate measures, at the request of the force to

- (a) establish restricted areas (Schutzbereiche);
- (b) supervise or restrict construction, cultivation and movement in the vicinity of accommodation made available to the force for its use.

## ARTICLE 54

1. The German regulations for the prevention and control of infectious diseases of humans, animals and plants as well as for the prevention and control of plant pests shall apply to a force and a civilian component insofar as the regulations of the force in these fields do not prescribe equal or higher standards. Within the accommodation made available for its use, a force may apply its own regulations, provided that neither public health (öffentliche Gesundheit) nor the cultivation of plants is endangered thereby.

2. The authorities of a force and the German authorities shall promptly inform each other of the outbreak, or suspected outbreak, development and elimination of an infectious disease, as well as of the measures taken.

3. If the authorities of a force deem it necessary to take health protection measures in the vicinity of accommodation made available for its use, they shall reach agreement with the German authorities regarding the execution of such measures.

4. Where German law prohibits the importation of certain articles, these articles may, with the approval of the German authorities, and provided that neither public health nor the cultivation of plants is endangered thereby, be imported by the authorities of a force. The German authorities and the authorities of the force shall agree on categories of articles the import of which is approved by the German authorities under this provision.

5. The authorities of a force may, with the approval of the German authorities, carry out the examination and control of articles imported by them. They shall ensure that neither public health nor the cultivation of plants is endangered as a result of the importation of such articles.

## ARTICLE 55

1. (a) Defense works required to execute NATO plans for common defence within the areas for the defence of which the authorities of a force are responsible shall be planned and executed by agreement between the authorities of the force and the Federal authorities.

(b) The work shall be carried out by the German authorities in liaison with the authorities of the force. However, where there is a special need for secrecy or security, the force shall have the right, after appropriate consultation and at sites agreed upon with the Federal authorities, to carry out such work with its own personnel or with non-German specialists.

2. The Federal authorities and the authorities of a force shall cooperate to ensure that defensive measures necessary to meet defence requirements are prepared and carried out adequately and in good time.

## ARTICLE 56

1. (a) German labour law, as applicable to civilian employees working with the German Armed Forces, with the exception of decrees regulating working conditions (Dienstordnungen) and tariff regulations, shall apply to employment of civilian labour with a force or a civilian component except as otherwise provided in the present Agreement.

(b) When seeking employment with an authority of a force or of a civilian component, the applicant shall be exclusively responsible, if so required, for furnishing proof that he has not been convicted of any offence. If the applicant cannot obtain a police certificate (Führungszeugnis), the German authorities shall, in accordance with the provisions of German law, provide him with an extract from the penal register if he presents a certificate from the force or the civilian component that he has applied for employment and if the issue of such extract does not endanger any essential German interests.

(c) Without prejudice to their claim to remuneration, civilian employees shall have no right to actual work.

(d) Transfers for duty reasons within the Federal Republic shall require the written consent of the civilian employee; such consent may be given at any time.

(e) A force shall have the right to assemble non-German civilian labour to form civilian service organizations.

(f) Employment of civilian labour with a force or a civilian component shall not be deemed employment with the German public service.

2. If a German Labour Court decides that the contract of employment has not come to an end by notice to terminate, it shall fix *ex officio* the compensation payable in the event that the continuation of the employment is refused. This shall apply to proceedings to obtain protection against dismissal (Kündigungsschutzverfahren) as well as to other actions for a declaratory judgment (Feststellungsklage), or for damages or specific performance (Leistungsklage) arising out of the contract of employment. The amount of compensation shall be determined according to the provisions of German labour law. The contract of employment shall be deemed to be terminated upon a refusal to continue the employment. The force or the civilian component shall inform the person concerned without delay, and, in any case, not later than two weeks after service of the decision of the Labour Court, whether it chooses to continue the employment or to pay the compensation. If no statement is made within this period of time, the force or the civilian component shall be deemed to have chosen to pay the compensation. The choice of continued employment of the person concerned shall not preclude the possibility of filing an appeal against the decision. This paragraph shall not apply to members of works councils (Betriebsvertretungen).

3. The provisions of German law concerning social insurance, including accident insurance, unemployment insurance and children's allowance shall apply to labour working with a force or a civilian component. The Federal Republic shall be the accident insurance carrier.

4. German civilian labour working with a force or a civilian component shall only be engaged in services of a non-combatant nature including civilian guard duties.

5. The German authorities, in agreement with the authorities of a force or of a civilian component, shall

(a) establish the terms and conditions of employment, including wages, salaries and job groupings, which shall serve as the basis for individual employment contracts, and shall conclude tariff agreements;

(b) regulate payment procedure.

6. The authorities of a force or of a civilian component shall, in respect of the employment of labour, have the right of engagement, classification in accordance with sentences 2 to 6 of sub-paragraph (a) and with sub-paragraph (b) of paragraph 7 of this Article, and of placement, training, transfer, dismissal and acceptance of resignations.

7. (a) The authorities of a force or of a civilian component shall determine the number of jobs required and classify such jobs in accordance with the job groupings established under sub-paragraph (a) of paragraph 5 of this Article. The individuals to fill such jobs shall be provisionally classified by the authorities of the force or of the civilian component into the appropriate wage or salary groups. The latter classification shall be subject to the approval of the competent German authorities. Such approval shall be deemed to have been given, unless the German authorities raise an objection within two weeks of the date of receipt of notification of the provisional classification. If an objection has been raised, the appropriate classification shall be determined by consultation between the authorities of the force or of the civilian component and the German authorities. The remuneration for the period covered by the provisional classification shall be paid according to the final classification; the worker shall be so informed at the time of the provisional classification.

(b) The authorities of the force shall carry out the classification of the members of the civilian service organizations. They shall inform the appropriate German authorities of such classification and shall give due consideration to any suggestions for amendment made by the latter.

8. Disputes arising out of employment or social insurance shall be subject to German jurisdiction. Lawsuits against the employer shall be filed against the Federal Republic. Lawsuits on behalf of the employer shall be instituted by the Federal Republic.

9. The provisions of German law concerning personnel representation as applicable to the civilian employees of the German Armed Forces shall apply to the employees' representation of civilian labour of a force or of a civilian component unless otherwise provided in the Section of the Protocol of Signature referring to this Article.

10. Where the German authorities carry out administrative work in respect of the employment of labour by a force or a civilian component and of its remuneration, the costs of such administrative work shall be reimbursed by the force in the amount of a percentage of the total wages and salaries, including allowances and gratuities, administered by the German authorities. The percentage shall be based on actual costs and shall be the subject of separate agreements between the German authorities and the authorities of each sending State, in which the criteria for assessing such costs shall also be laid down.

## ARTICLE 57

1. A force, a civilian component, their members and dependents shall have the right to cross the borders of the Federal Republic or to move within and over the Federal territory in vehicles, vessels and aircraft.

2. The operating rights of the German railways shall remain unaffected. The registration and movement of freight cars and passenger cars of a force as well as the admittance of locomotives of the force shall be governed by registration contracts or administrative agreements to be concluded between the authorities of the force and the German railway authorities.

3. Unless otherwise provided in the present Agreement, German traffic regulations shall apply to a force, a civilian component, their members and dependents.

4. (a) Deviations from German regulations governing conduct in road traffic shall be permitted to a force only in cases of military exigency and then only with due regard to public safety and order.

(b) Agreements shall be concluded between the authorities of a force and the German authorities regarding the designation and use of a road network for military traffic by vehicles and trailers the dimensions, axle loads, total weight or number of which exceed limitations under German traffic regulations. The operation of such vehicles and trailers on roads not within the agreed network shall be permitted only in case of accidents, catastrophes, state of emergency or by agreement between those authorities.

5. Subject to due regard being paid to public safety and order, German regulations shall not apply to the construction, design and equipment of vehicles, trailers, inland water vessels or aircraft of a force and of a civilian component, if such vehicles, trailers, inland water vessels or aircraft conform to the regulations of the sending State.

6. A force and a civilian component shall be allowed to use civilian airfields and other landing areas not made available for their exclusive use for landing military aircraft only in cases of emergency or in accordance with administrative agreements or other arrangements concluded with the competent German authorities.

7. The German military authorities shall represent the military aviation interests of the forces within the German Commission for the Co-ordination of Civil and Military Aviation when established pursuant to the Recommendations of the International Civil Aviation Organization and of the Committee for European Air Space Co-ordination of the North Atlantic Treaty Organization, and shall be responsible for the presentation in this Commission of a co-ordinated military viewpoint. Representatives of the forces shall, where appropriate, be given adequate opportunity to present their views before the Commission.

8. All air traffic control and related communications systems developed and operated by the German authorities and by the authorities of the forces shall be co-ordinated to the extent necessary to ensure air traffic safety and the common defence.

## ARTICLE 58

1. A force, a civilian component, their members and dependents shall be entitled to use publicly and privately owned German transport facilities and services which serve the needs of public transport in the Federal Republic. Unless otherwise agreed, the exercise of this right shall be subject to the generally applicable transportation regulations.

2. (a) Tariffs applicable to a force and a civilian component for the use of the transport facilities and services referred to in paragraph 1 of this Article shall be not less favourable than those applicable to the German Armed Forces. Such tariffs shall be fixed or approved by the competent German authorities in accordance with German transportation legislation. The authorities of the force shall have the right to participate in negotiations with the carriers concerning military tariffs. When, in respect of transportation services for a force and its civilian component, special conditions arise for which the military tariffs do not provide, the German authorities shall, after negotiations between the authorities of the force and the carriers, make suitable additions to the military tariffs within the scope of their legal powers.

(b) Military tariffs shall be computed on the basis of a simplified scheme, which shall take into account the special character of military traffic and facilitate their application by a force or a civilian component.

(c) The overall effect of the application of military tariff rates shall result in no less favourable treatment for a force or a civilian component than would have resulted from the application of public tariff rates including relevant special tariffs.

3. The Federal Republic shall give sympathetic consideration to requests by a force for construction of additional facilities or for modification of existing facilities, where the transportation requirements of the force cannot otherwise be met.

4. The German authorities shall, where necessary, take appropriate steps within their competence to ensure that requirements of a force with respect to tank cars, sleeping and dining cars will be satisfied on reasonable terms by contractual arrangements between the authorities of the force and the enterprises which provide such services on a commercial basis to other users.

## ARTICLE 59

1. (a) A force may establish and operate post offices for the postal and telegraphic services of the force, the civilian component, their members and dependents.

(b) In particular, the forces post offices may

(i) receive from outside the Federal territory,

(ii) dispatch to destinations outside the Federal territory and to other forces post offices within the Federal territory,

(iii) carry within the Federal territory

open or closed mails of the force, the civilian component, their members and dependents.

- (c) Postal remittance facilities shall be restricted to traffic between forces post offices and between such offices and other post offices of the sending State concerned.
2. The forces post offices may dispatch to the German Federal Post or receive from the German Federal Post open or closed mails of the force, the civilian component, their members and dependents. International agreements applicable between the Federal Republic and the sending State concerned shall apply to postal transactions between the forces post offices and the German Federal Post unless special agreements are concluded between the German authorities and the authorities of the force with regard to postal charges or particular services. Exchange offices shall be established by mutual agreement.
3. Mail posted at forces post offices may bear stamps of the sending State concerned.
4. Where a unit of a force does not operate forces post offices, such unit, its civilian component, their members and dependents may use the postal services of another force. Where such use is to be permanent or of long duration, the German Federal Post shall be informed as soon as possible.

## ARTICLE 60

1. Insofar as this Article does not provide otherwise, a force, a civilian component, their members and dependents, shall use the public telecommunications systems of the Federal Republic. Subject to other arrangements provided for by administrative agreement, such use shall be governed by the German regulations in force at the time. In the application of such regulations, the treatment accorded to a force shall be no less favourable than that accorded to the German Armed Forces.
2. To the extent required for military purposes a force may set up, operate, and maintain:
- (a) wire telecommunication facilities within accommodation used by it;
  - (b) radio stations for fixed services, subject to prior consultation with the German authorities;
  - (c) facilities for mobile radio services and radio location services;
  - (d) other radio receiving facilities;
  - (e) temporary telecommunication facilities of any kind for training exercises, manoeuvres, and in cases of emergency:
3. (a) With the consent of the German authorities a force may set up, operate, and maintain wire telecommunication facilities outside accommodation used by it if
- (i) compelling reasons of military security exist, or
  - (ii) the German authorities are either not in a position to provide, or forgo the provision of, the facilities required.
- (b) Expeditious procedures for obtaining the consent of the German authorities shall be ensured by administrative agreement.
4. (a) A force may continue to operate and maintain telecommunication facilities taken into use under then existing regulations prior to the entry into force of the present Agreement.
- (b) Telecommunication facilities, the installation of which under then existing regulations was begun but not completed

prior to the entry into force of the present Agreement, may be taken into use within a period of six months after that date, provided that they are included in a list which shall be submitted to the Federal Government upon the entry into force of the present Agreement.

5. (a) A force shall have the right to operate its own sound and television broadcasting stations for the force, the civilian component, their members and dependents, provided that such stations do not adversely affect German broadcasting services in an unreasonable manner. Subject to this condition, existing broadcasting stations of this type may continue in operation. Additional stations may be established and operated only with the agreement of the German authorities.

(b) A force, a civilian component, their members and dependents, may set up and operate sound and television broadcast receiving apparatus free of charge and without individual licenses.

6. Radio frequencies together with their specific data shall be governed by the provisions of paragraph 5 of the Section of the Protocol of Signature referring to this Article.

7. Telecommunication facilities established by a force may be interconnected with the public network of the Federal Republic if they are technically and operationally compatible with such network. The points of interconnection shall be determined by mutual agreement.

8. (a) In establishing and operating telecommunication facilities, a force shall observe the provisions of the International Telecommunications Convention, Buenos Aires, of 1952,<sup>1</sup> or of such other instrument as may replace it, and of any other international instruments in the field of telecommunications binding on the Federal Republic.

(b) A force shall be exempt from the provisions referred to in sub-paragraph (a) of this paragraph to the extent that such exemption is granted to the German Armed Forces under German domestic regulations.

(c) In concluding future international agreements in the field of telecommunications, the German authorities shall, after consultation with a force, give adequate consideration to the telecommunication requirements of the force.

9. (a) A force shall take all measures which can reasonably be expected of it to avoid or eliminate interference caused to German telecommunication services by the telecommunication or other electrical facilities of the force.

(b) The German authorities shall within the scope of German regulations take all measures which can reasonably be expected of them to avoid or eliminate interference caused to the telecommunication services of a force by German telecommunication or other electrical facilities.

10. Complete control of the cables identified as FK 12 and FK 41 lying within the Federal territory, including the associated equipment, shall be exercised by the authorities of the sending State concerned.

<sup>1</sup> TIAS 3266; 6 UST 1213. See also the Convention signed at Geneva Dec. 21, 1959, and the Convention signed at Montreux Nov. 12, 1965, which abrogated and replaced, as between contracting parties, the convention signed at Buenos Aires Dec. 22, 1952 (TIAS 3266); TIAS 4892; 12 UST 1761; TIAS 6267; 18 UST 575.

## ARTICLE 61

1. Subject to the effects of the tax and customs exemptions provided in the NATO Status of Forces Agreement, in the present Agreement or in any other applicable agreement, the prices of deliveries and services to a force or a civilian component shall correspond to the current price levels in the Federal territory; they may not exceed the prices admissible in the case of deliveries and services to German authorities. Where goods are subsidized in the interest of the individual German consumer, such subsidies cannot be claimed by a force or a civilian component unless these goods are intended for the use of, or consumption by, persons falling under the category of labour within the meaning of Article 56 of the present Agreement.

2. The provisions of the present Agreement concerning wages, transportation and telecommunication tariffs shall not be affected by the provisions of paragraph 1 of this Article.

## ARTICLE 62

1. Where requisitioning procedures (Anforderungsverfahren) are carried out on behalf of a force or a civilian component under German procurement legislation, the following provisions shall apply:

(a) The proceedings shall be instituted by the German authorities to be determined in consultation with the authorities of the force or of the civilian component.

(b) In accordance with administrative agreements, the competent German authorities shall undertake the exercise of the rights and the fulfilment of the obligations arising out of the position of the force or the civilian component as recipients of goods, services and facilities (Leistungsempfänger). However, the force or the civilian component shall itself fulfil such obligations as by their nature cannot be fulfilled by the German authorities. The German authorities representing the interests of the force or of the civilian component in matters concerning the amount of compensation payable shall consent to proposals in that regard made by the person liable to supply goods, services and facilities (Leistungspflichtiger) or by the assessment authority only after consultation with the authorities of the force or of the civilian component; similarly, they shall themselves make proposals regarding the amount of compensation payable only after such consultation. The provisions of Article 63 of the present Agreement shall remain unaffected.

(c) Lawsuits on behalf of, or against, the force or the civilian component arising out of their position as recipients of goods, services and facilities shall be instituted or defended by the Federal Republic in its own name.

2. The provisions of paragraph 1 of this Article shall not apply in respect of the Restricted Areas Law and the Land Procurement Law.

## ARTICLE 63

1. If and to the extent that it is provided in paragraphs 2 to 7 of this Article, no payment shall be made for property or services used by a force for its own purposes or for the purposes of a civilian component or rendered to it for such purposes.

2. Public roads, highways, and bridges may be used free of charge by a force or by a civilian component.

3. A force or a civilian component shall enjoy free of charge administrative services and assistance, including the services of the German police, public health, and fire protection, as well as meteorological, topographical, and cartographical services to at least the same extent as the German Armed Forces. The same shall apply to the use of navigable waters.

4. (a) Except to the extent that other arrangements have been or will be made, property legally owned by the Federation (rechtlich im Eigentum des Bundes stehend) or which has been or will be procured or constructed from funds of the Occupation Costs and Mandatory Expenditures or Support Costs budgets, may be used free of charge by a force or a civilian component. This shall not apply to the use of property owned or administered by the German Federal Railways or Federal Post.

(b) Except to the extent that other arrangements have been or will be made, the Federal Republic shall ensure that a sending State to which property legally owned by a Land (rechtlich im Eigentum eines Landes stehend) has been or will be made available for use is relieved from the liability for any possible claim to compensation that may be due to the Land under German law.

(c) Except to the extent that other arrangements have been or will be made, rental for the use of property not falling under the first sentence of sub-paragraph (a) or under sub-paragraph (b) of this paragraph and which has been or will be reconstructed with funds made available by the Federal Republic or with a sending State's own funds shall be reduced in the proportion which the cost of reconstruction bears to the total value of the property.

(d) Exemption from payment for the use of property as set forth in sub-paragraphs (a) to (c) of this paragraph shall not, however, extend to

(i) cost of repairs and maintenance;

(ii) current public charges on property to the extent that the Federation is obliged under German law to pay or reimburse such charges;

(iii) other operating costs.

5. (a) The following items of the expenditure arising in consequence of goods and services demanded or rights restricted, transferred or withdrawn under German laws at the instance of a force or of a civilian component, shall not be borne by the sending State:

(i) compensation payable under the Land Procurement Law with the exception of

(aa) compensation for anticipatory possession (Besitzinweisungsentschädigung) except in the case of Land Procurement actions (Landbeschaffungsvorhaben) initiated after the entry into force of the present Agreement;

(bb) compensation payments for the use of accommodation made available to the force or the civilian component and not legally owned by the Federation or by a Land (nicht rechtlich im Eigentum des Bundes oder

eines Landes), except in the case of accommodation made available to the force or the civilian component after the entry into force of the present Agreement for the purpose of the erection of permanent structures;

(ii) compensation for restricted areas (Schutzbereich-entschädigung) payable under German law to the Länder, insofar as prejudice caused to property (Vermögensnachteile) by the establishment of the restricted area arises only from the restriction of economic use or other exploitation of the property.

(b) Where in consequence of the procurement of land for a force or a civilian component other costs arise for the Federation, negotiations on a case to case basis shall take place between the German authorities and the authorities of the force, taking into account all relevant factors, and without prejudice to the provisions of sub-paragraph (c) of paragraph 6 of this Article, to determine whether, and if so to what extent, the sending State for whose benefit the land is to be procured shall bear such costs, and agreements shall be concluded thereon.

(c) Where in cases in which restricted areas have been provided at the instance of a force the compensation therefor is not payable in the form of recurrent payments, the German authorities and the authorities of the force may enter into negotiations in appropriate cases, and on a case to case basis, concerning apportionment of the compensation, taking into account all relevant factors, including the period of use by the force of the accommodation for which the restricted area exists.

6. (a) Of the expenditure arising out of any kind of construction works of a force or a civilian component, or in connection with such works, the sending State shall not be liable for expenditure incurred in evacuating land (Räumung).

(b) If installations and facilities serving transportation and telecommunications, electricity, gas and water supply, or sewage disposal, which are established, modified, reinforced, or extended at the instance of the authorities of a force or of a civilian component serve also to satisfy German needs, the expenditure, including the cost of repair and maintenance, on such installations and facilities shall be apportioned in a manner which corresponds to the extent of the German interest as compared with the interest of the sending State. The amounts shall in each individual case be agreed between the German authorities and the authorities of the force. This arrangement shall also apply to the costs of repair and maintenance of installations and facilities of the kind mentioned which the German side plans to close down or dismantle, but which are to be retained at the request of a force or a civilian component.

(c) If in consequence of land procurement for a force or a civilian component, or as a result of construction works carried out by or for the benefit of a force or of a civilian component, installations and facilities serving transportation and telecommunications, electricity, gas and water supply, or sewage disposal, require re-routing or replacing either because they are no longer available for public use or it can be shown that it is no longer practicable so to use them, the sending State shall bear

expenditure which arises only to the extent that the hitherto prevailing standard is not exceeded.

7. (a) If military or other aircraft used by a force are permanently accommodated on civil airfields, including civil airports, not made available for the exclusive use of the force, payment which varies from the fees valid under German regulations may be agreed upon for the jointly used installations and facilities. Such payment may by arrangement be in services or in kind.  
(b) Emergency landings made by military or other aircraft used by a force shall be exempt from fees.

## ARTICLE 64

Administrative services and assistance, including the services of the German police, public health, and fire protection services, meteorological, topographical, and cartographical services, and other public services as well as public facilities, shall be made available without charge to the members of a force or of a civilian component or to dependents, in their own right, to the same extent as such facilities and services are available without charge to other persons in the Federal territory. The same shall apply to the use of public roads, highways, and bridges, and of navigable waters.

## ARTICLE 65

1. (a) The relief from customs duties referred to in paragraph 4 of Article XI of the NATO Status of Forces Agreement shall be granted not only in respect of goods which at the time of their importation are the property of a force or a civilian component, but also in respect of goods delivered to a force or a civilian component in fulfilment of contracts concluded by the force or the civilian component directly with a person or persons not domiciled in the Federal Republic or Berlin (West). Such relief shall apply irrespective of whether such goods are carried in transport of the force or the civilian component or by commercial transport.  
(b) Customs duties and excise taxes, including the Turnover Equalization Tax (Umsatzausgleichsteuer), shall not be levied in respect of imported goods which are withdrawn from customs-free areas or from continuous customs control for delivery to a force or a civilian component under contracts which an official procurement agency of the force or of the civilian component has concluded with a person or persons domiciled in the Federal Republic or in Berlin (West), provided that payment therefor is made in the currency of the sending State. This proviso shall also be deemed to have been fulfilled if payment is made in Deutsche Mark, which the force or the civilian component has obtained by the conversion of such currency in the Federal Republic through agreed agencies, or in Deutsche Mark which, by special agreement between the governments concerned, may be so used for this purpose.
2. The relief referred to in paragraph 1 of this Article shall apply equally to goods imported or acquired by a force or a civilian component for disposal to their members or to dependents for their private use or consumption. Except where in specific cases it is

otherwise agreed between the authorities of the force and the German authorities, disposal should be made only through specified services of the force or the civilian component or through organizations serving them, the names of which shall be notified to the Federal Government.

3. A force or a civilian component shall be permitted to dispose of goods in the Federal territory to persons other than members of the force or of the civilian component or dependents in accordance with agreements to be concluded with the German authorities. The fulfilment of the obligations under German customs legislation arising from the disposal of the goods shall be the responsibility of the person acquiring such goods. The force or the civilian component shall permit removal of the goods only on production by the person concerned of a certificate from the German customs authority concerned to the effect that he has settled all relevant matters with the German customs administration.

4. A force and the competent German authorities shall take all appropriate measures to ensure the smooth and rapid clearing of imports and exports of the force and the civilian component by the German customs authorities.

5. Customs control by the German authorities in respect of imports and exports of a force or a civilian component shall be exercised in accordance with the following principles:

(a) Subject to the provisions of paragraph 3 of Article XI of the NATO Status of Forces Agreement and subject to the provisions of sub-paragraphs (b), (c) and (d) of this paragraph, consignments of a force or of a civilian component may be examined by the German customs authorities as to the number, type, marking and weight of the individual packages.

(b) (i) The German customs authorities may also examine the contents of consignments. Such examination, so far as packages which are sealed with an official seal of a force or of the military authorities of a sending State are concerned, shall take place only in cases of serious suspicion. So far as other consignments are concerned, examination may also take place on a spot-check basis. The goods compartments of vehicles which are sealed as described in the second sentence of this item, and closed packages, shall be examined only in the presence of representatives of the force or of the civilian component designated for that purpose, unless in any particular case the force or the civilian component does not elect to be represented.

(ii) The extent of the examinations and the methods by which they shall be carried out shall be the subject of special agreements to be concluded between the authorities of a force and the German customs authorities. Such agreements shall take into account the different kinds of consignment, the mode of transport, the system operated by the force, and all other relevant factors. A force or a civilian component may request that the examination take place not at the frontier but at or near the place of destination of the consignments. In such cases the German customs authorities shall be entitled to take such steps as are necessary to ensure that the consignment reaches the place of examination intact.

(c) If the German customs authorities so request, consignments, which, according to the certified statements of the authorities of a force, contain military equipment to which special security regulations apply, shall be subject to examination to be carried out only by representatives of the force specially designated for that purpose. The result of the examination shall be notified to the competent German authority.

(d) The provisions of sub-paragraphs (a), (b) and (c) of this paragraph shall apply in principle also to consignments of a force which arrive at or are sent from military airfields. The German customs authorities shall, however, content themselves with occasional checks which shall be undertaken after arrangements have been made with the authorities of the force responsible for the airfield in question. The authorities of the force shall carry out a regular control of all such consignments. Customs control in the interior of aircraft which are military equipment to which special security regulations apply, shall be carried out only by specially designated representatives of the force.

6. Export of goods acquired in the Federal territory by a force or a civilian component shall be subject to the deposit at the customs office of a certificate similar to that referred to in paragraph 4 of Article XI of the NATO Status of Forces Agreement, except insofar as within the scope of paragraph 10 of that Article such certificate will be dispensed with.

#### ARTICLE 66

1. The members of a force or of a civilian component and dependents may, in addition to their personal effects and furniture and their private motor vehicles, import other goods intended for their personal or domestic use or consumption free of duty or any other import tax. This privilege shall apply not only to goods which are the property of such persons but also to goods sent to them by way of gift or delivered to them in fulfilment of contracts directly concluded with a person or persons not domiciled in the Federal Republic or Berlin (West).

2. In the case of certain goods designated by the competent German authorities which are peculiarly the subject of customs contraventions, the privilege set forth in paragraph 1 of this Article shall apply only if such goods are imported personally by members of a force, of a civilian component or dependents in their accompanying baggage and in quantities fixed by the competent German authorities in agreement with the authorities of the force.

3. In doubtful cases the German customs officials shall be entitled to require a document to be produced certifying that the imported goods are intended for the personal or domestic use or consumption of the person importing them; this, however, shall not apply to goods the importation of which is limited in accordance with paragraph 2 of this Article. Such certificates shall be issued only by a limited number of officials, who have been specially designated for this purpose by the authorities of the force and whose names and specimen signatures have been notified to the German authorities.

4. Disposal of goods imported duty-free or acquired under tax-relief shall be permitted among members of the forces, of the civilian components and dependents. Unless exceptions have been generally

authorized by the German authorities, disposal to other persons shall be permitted only after notification to, and approval of, the German authorities.

5. (a) The customs control of goods sent through the postal or freight services of a force, by or to the members of the force, of the civilian component or dependents, shall be exercised by the German customs authorities at places designated by agreement between those authorities and the competent authorities of the force. The customs inspection shall take place in the presence of representatives of the authorities of the force.

(b) If, for the purpose of applying the provisions concerning exchange control contained in Article 69 of the present Agreement, it becomes necessary to carry out in post offices of a force inspection of letters and postal packets sent by or to members of the force, of the civilian component or dependents, the sender or the receiver or an authorized representative of either must be present when such letters and packets are opened. The extent of these inspections and the manner in which they shall be carried out shall be agreed between the authorities of the force and the German authorities.

6. The members of a force or of a civilian component or dependents may re-export free of exit dues (Ausgangsabgaben) goods brought by them into the Federal Republic. They may also, without being subject to economic export prohibitions or limitations and exit dues, export, in quantities consistent with their economic standing, goods which they own and which are not intended for trade. In doubtful cases the German customs authorities shall be entitled to require a document to be produced certifying that these conditions are fulfilled. This document shall be issued in accordance with the provisions of the last sentence of paragraph 3 of this Article.

7. When a customs control of members of a force, of a civilian component or dependents takes place at a customs office at which frontier liaison officials of a force are stationed, the German customs officials shall call in such officials if contraventions are discovered or if difficulties arise in connection with the inspections.

#### ARTICLE 67

1. A force shall not be subject to taxation in respect of matters falling exclusively within the scope of its official activities nor in respect of property devoted to such activities. This shall, however, not apply in respect of taxes which may arise from commercial trading by the force in the German economy or in respect of property devoted to this purpose. Deliveries made and services rendered by the force to its members, members of the civilian component and dependents shall not be regarded as commercial trading in the German economy.

2. Exemption from customs duties and other import and export duties on goods imported or exported by a force or a civilian component, or acquired by them from customs-free areas or from installations under customs control, shall be determined in accordance with Article XI of the NATO Status of Forces Agreement and with Article 65 of the present Agreement.

3. (a) (i) The tax relief provided under items (ii) to (iv) of this subparagraph shall be granted when goods or services are pro-

cured by an official procurement agency of a force or a civilian component for the use of, or consumption by, the force, the civilian component, their members, or dependents, provided that payment is made in the currency of the sending State. This proviso shall also be deemed to have been fulfilled if payment is made in Deutsche Mark which the force or its authorized agent has obtained by the conversion of such currency in the Federal Republic, or in Deutsche Mark whose use is admissible within the scope of the provisions of this paragraph in accordance with any special agreement reached between the German authorities and the authorities of the sending State. Tax exemptions and refunds shall be taken into account in calculating prices.

(ii) Deliveries and services to a force or a civilian component shall be exempt from the turnover tax. On request, suppliers shall be granted such refunds as are provided in the German Turnover Tax Law in the event of export. Deliveries to a force or a civilian component shall be deemed to be wholesale deliveries.

(iii) Transportation services rendered to a force or a civilian component by the German Federal railways or by commercial transportation enterprises shall be exempt from transportation tax. Exemption from transportation tax shall not be granted for transportation services rendered for or by a supplier or person who renders services in connection with deliveries or services to a force or a civilian component whether carried by factory-owned long-distance transport (Werkfernverkehr), by the German Federal Railways or by other commercial carriers.

(iv) Goods delivered to a force or a civilian component from the free inland trade (zollrechtlich freier Verkehr) shall be granted the exemptions, refunds or price discounts provided by customs, excise, and fiscal monopoly legislation in the event of export.

(b) Sub-paragraph (a) of this paragraph shall apply equally when the German authorities carry out procurement or construction works for a force or a civilian component.

(c) The relief referred to in sub-paragraphs (a) and (b) of this paragraph shall be granted subject to furnishing proof to the appropriate German authorities that the requirements for such grant are fulfilled. The form of furnishing proof shall be established by agreement between the German authorities and the authorities of the sending State concerned.

4. The special arrangements provided in paragraph 11 of Article XI of the NATO Status of Forces Agreement for fuel, oil and lubricants shall be made in conformity with sub-paragraph (b) of paragraph 1 of Article 65 of the present Agreement and with paragraph 3 of this Article.

#### ARTICLE 68

1. Members of a force or of a civilian component and dependents shall not be deprived of any tax benefits which they enjoy by virtue of any international agreement with the Federal Republic.

2. The insurance tax (Versicherungsteuer) is to be paid in those cases where the insurance premium is paid to an inland insurer or an

authorized inland representative of a foreign insurer, but not where the premium is paid directly to a foreign insurer. With respect to insurance for private motor vehicles of members of a force or of a civilian component or of dependents, payment of the insurance tax is also not required where in individual cases the insurance premium, which is payable directly to the foreign insurer, is exceptionally paid to the authorized inland representative of such foreign insurer.

3. The fact that no residence is established in the Federal territory in accordance with paragraph 1 of Article X of the NATO Status of Forces Agreement shall not mean that members of a force or of a civilian component and dependents are to be regarded as foreign purchasers within the meaning of the turnover tax legislation.

4. Dependents shall be treated for the purposes of Article X of the NATO Status of Forces Agreement in the same manner as members of a force or of a civilian component.

#### ARTICLE 69

1. The rights of the authorities of a force or of a civilian component of the members of a force or of a civilian component, or of dependents to import, export and possess the currency of the Federal Republic and instruments denominated in such currency in accordance with the regulations referred to in Article XIV of the NATO Status of Forces Agreement shall remain unaffected by the provisions of paragraphs 2, 3 and 4 of this Article.

2. The authorities of a force or of a civilian component shall have the right to import, export and possess currency, other than that of the Federal Republic, instruments denominated in any such currency and military scrip denominated in the currency of any sending State.

3. The authorities of a force or of a civilian component may distribute to the members of the force and of the civilian component and to dependents

(a) currency of, and instruments denominated in the currency of,

(i) the Federal Republic,

(ii) the sending State,

(iii) any other State, to the extent required for the purpose of authorized travel, including travel on leave;

(b) military scrip denominated in the currency of any sending State;

provided, however, that a system of payment to members of the force or of the civilian component or to dependents, in the currency of the sending State, shall be adopted by the authorities of the force only in cooperation with the authorities of the Federal Republic.

4. Subject only to the regulations which shall be made by the authorities of a force and notified to the authorities of the Federal Republic, a member of the force or of the civilian component and a dependent may

(a) import currency of the sending State, instruments denominated in such currency, and military scrip denominated in the currency of any sending State;

(b) export

(i) any currency other than that of the Federal Republic, and instruments denominated in any such currency, pro-

vided that such member or dependent has either imported such currency or instruments or received such currency or instruments from the authorities of the force or their authorized agents;

(ii) cheques drawn by such member or dependent on a financial institution or agency in the sending State;

(iii) military scrip denominated in the currency of any sending State.

5. The authorities of a force shall, in co-operation with the authorities of the Federal Republic, take appropriate measures in order to prevent any abuse of the rights given under paragraphs 2, 3 and 4 of this Article and to safeguard the system of foreign exchange regulations of the Federal Republic insofar as such system, subject to the provisions of paragraphs 2, 3 and 4 of this Article, relates to a force, a civilian component, their members and dependents.

#### ARTICLE 70

In accordance with special agreements to be concluded, a force and a civilian component shall be granted interest on Deutsche Mark funds acquired with the currency of the sending State and held on daily call in accounts with the German Federal Bank (Deutsche Bundesbank).

#### ARTICLE 71

1. The non-German non-commercial organizations listed in paragraph 2 of the Section in the Protocol of Signature referring to this Article shall be considered to be, and treated as, integral parts of the force.

2. (a) The non-German non-commercial organizations listed in paragraph 3 of the Section in the Protocol of Signature referring to this Article shall enjoy the benefits and exemptions accorded to the force by the NATO Status of Forces Agreement and the present Agreement to the extent necessary for the fulfilment of the purposes described in paragraph 3 of that Section. However, benefits and exemptions in respect of imports for, deliveries to, or services for these organizations shall be granted only if such imports, deliveries or services are effected through the authorities of the force or of the civilian component or through official procurement agencies designated by these authorities.

(b) The organizations referred to in sub-paragraph (a) of this paragraph shall not have the powers enjoyed by the authorities of a force or of a civilian component under the NATO Status of Forces Agreement and the present Agreement.

3. In respect of their activities as non-commercial organizations, the organizations listed in paragraphs 2 and 3 of the Section in the Protocol of Signature referring to this Article shall be exempt from the German regulations, if otherwise applicable, governing the conduct of trade and business activities (Handel und Gewerbe). Such of these regulations as relate to safety measures shall, subject to Article 53 of the present Agreement, nevertheless apply.

4. Other non-German non-commercial organizations may, in specific cases, be accorded, by means of administrative agreements, the same treatment as the organizations listed in paragraph 2 or 3 of the Section in the Protocol of Signature referring to this Article, if they

- (a) are necessary to meet the military requirements of a force and
  - (b) operate under the general direction and supervision of the force.
5. (a) Subject to the provisions of paragraph 6 of this Article, employees exclusively serving organizations listed in paragraph 2 or 3 of the Section in the Protocol of Signature referring to this Article shall be considered to be, and treated as members of a civilian component. They shall be exempt from taxation in the Federal territory on the salaries and emoluments paid to them by the organizations if such salaries and emoluments are either
- (i) liable to assessment for taxation in the sending State or
  - (ii) computed on the assumption that no liability to pay tax will arise.
- (b) Sub-paragraph (a) of this paragraph shall also apply to employees of organizations which, in accordance with paragraph 4 of this Article, are accorded the same treatment as the organizations listed in paragraph 2 or 3 of the Section in the Protocol of Signature referring to this Article.
6. The provisions of paragraph 5 of this Article shall not apply to
- (a) stateless persons;
  - (b) nationals of any State which is not a Party to the North Atlantic Treaty;
  - (c) Germans;
  - (d) persons ordinarily resident in the Federal territory.

## ARTICLE 72

1. The non-German commercial enterprises listed in paragraph 1 of the Section in the Protocol of Signature referring to this Article shall enjoy
- (a) the exemptions accorded to a force by the NATO Status of Forces Agreement and the present Agreement from customs, taxes, import and re-export restrictions and foreign exchange control to the extent necessary for the fulfilment of their purposes;
  - (b) exemptions from German regulations governing the conduct of trade and business activities (Handel und Gewerbe);
  - (c) such benefits as may be determined by administrative agreement.
2. Paragraph 1 of this Article shall apply only if
- (a) the enterprise exclusively serves the force, the civilian component, their members or dependents; and
  - (b) the activities of the enterprise are restricted to business transactions which cannot be undertaken by German enterprises without prejudice to the military requirements of the force.
3. Where the activities of an enterprise include business not conforming to the conditions set forth in paragraph 2 of this Article, the granting of exemptions and benefits provided in paragraph 1 shall be conditional upon a clear legal or administrative separation between those activities which are performed exclusively for the force and those which are not.
4. By agreement with the German authorities and on the conditions set forth in paragraphs 2 and 3 of this Article, other non-German commercial enterprises may be granted all or part of the exemptions and benefits referred to in paragraph 1.

5. (a) Employees of enterprises enjoying exemptions and benefits pursuant to this Article shall, if they exclusively serve such enterprises, be granted the same exemptions and benefits as those granted to members of a civilian component unless such exemptions and benefits are restricted by the sending State.

- (b) Sub-paragraph (a) of this paragraph shall not apply to
- (i) stateless persons;
  - (ii) nationals of any State which is not a Party to the North Atlantic Treaty;
  - (iii) Germans;
  - (iv) persons ordinarily resident in the Federal territory.

6. If the authorities of a force withdraw all or part of the exemptions and benefits accorded to these enterprises or to their employees pursuant to this Article, they shall so notify the German authorities.

## ARTICLE 73

Technical experts whose services are required by a force and who in the Federal territory exclusively serve that force either in an advisory capacity in technical matters or for the setting up, operation or maintenance of equipment shall be considered to be, and treated as, members of the civilian component. This provision, however, shall not apply to

- (a) stateless persons;
- (b) nationals of any State which is not a Party to the North Atlantic Treaty;
- (c) Germans;
- (d) persons ordinarily resident in the Federal territory.

## ARTICLE 74

1. Articles XII and XIII of the NATO Status of Forces Agreement shall apply equally to the provisions relating to the fields of customs and taxes contained in the present Agreement.

2. The authorities of a force and of a civilian component shall take all appropriate measures to prevent abuses which might result from the granting of benefits and exemptions in the fields of customs and taxes. They shall co-operate closely with the German authorities in the prevention of customs and tax offences.

3. The detailed application of the provisions of paragraphs 1 and 2 of this Article, including the conditions to be observed pursuant to paragraph 1 of Article XII of the NATO Status of Forces Agreement, shall be regulated by administrative agreements with the German authorities. Such administrative agreements shall in particular take into account the following points:

(a) The authorities of a force and of a civilian component shall, in agreement with the German authorities, ensure that certain goods are placed at the disposal of members of the force, of the civilian component or dependents only in reasonable quantities.

(b) Co-operation between the authorities of a force or of a civilian component and the German authorities shall include the exchange of relevant information concerning the selling agencies of the force and the organizations and enterprises serving the force, and shall also include, to the extent necessary, appropriate inspections therein.

4. Except to the extent precluded by military necessity, the authorities of a force or of a civilian component shall, at the request of the German authorities, provide the latter with such information as they may be reasonably expected to furnish and which is necessary to determine the tax liability of persons or enterprises which are subject to taxation in the Federal territory. The German authorities shall request such information of the authorities of a force or of a civilian component only if the data necessary for assessment cannot be obtained otherwise, for instance, from official certificates (Abwicklungsscheine) concerning the procurement of goods and services subject to tax relief if such certificates have been furnished to the German financial authorities, or from information which can be supplied to those authorities by other German authorities. The German authorities shall take measures to prevent the disclosure of the information to unauthorized third parties.

## ARTICLE 75

1. (a) Except in a case where the accused is a German, neither Article 19 of the present Agreement nor paragraphs 1, 2 and 3 of Article VII of the NATO Status of Forces Agreement shall apply to an offence alleged to have been committed by a member of the forces prior to the entry into force of the present Agreement where before that date
    - (i) proceedings in respect of such offence have been initiated or terminated by an authority of a force exercising judicial powers, or
    - (ii) the prosecution of the offence became barred, under the law of the sending State concerned, by the expiry of a prescribed period of time.
  - (b) Where proceedings are pending at the date of entry into force of the present Agreement, the provisions of the Forces Convention concerning the exercise of jurisdiction over offences committed by such members shall continue to have effect for those proceedings, as if that Convention were still in force, until the conclusion of the proceedings, provided notification of the cases so pending shall be made to the German authorities within a period of ten days after that date.
2. In imposing a penalty in respect of an offence committed prior to the entry into force of the present Agreement, the German court or authority shall give due consideration to the penalty prescribed by the law of the sending State to which the accused was subject at the time of the commission of the offence, if it appears that such penalty is lighter than that prescribed by German law.

## ARTICLE 76

Defensive works, the execution of which has been agreed with the Federal Republic prior to the entry into force of the present Agreement or on which work has commenced prior to that date, shall be completed as planned.

## ARTICLE 77

The Standing Commission provided for in paragraph 8 of Article 17 of the Forces Convention shall, in the interests of common defence

and air safety, for the time being continue its functions in the field of co-ordination of civil and military aviation. When the German Commission referred to in paragraph 7 of Article 57 of the present Agreement, together with any additional organization required to ensure effective co-ordination between civil aviation and all military air forces in the Federal Republic, has been set up by the German authorities and is in a position to satisfy the requirements of the forces in this field, the Standing Commission shall be dissolved after adequate prior consultation between the German authorities and the authorities of the forces concerned.

## ARTICLE 78

1. The Mixed Commission established under paragraph 8 of Article 44 of the Forces Convention shall continue to be the competent body to determine whether a dismissal on security grounds was justified, provided that a request made under that provision was received by the Commission prior to the entry into force of the present Agreement.

2. Decisions reached by the Mixed Commission shall continue to be binding on German Labour Courts after the entry into force of the present Agreement.

## ARTICLE 79

1. The tax relief provided in paragraph 1 and sub-paragraphs (a), (c) and (d) of paragraph 2 of Article 33 of the Forces Convention, and in Article 3 of the Agreement on the Tax Treatment of the Forces and their Members, as amended by Schedule V to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954, shall continue to be granted in respect of goods and services for which payment is made in Deutsche Mark, after the entry into force of the present Agreement, from the carry-over of occupation costs and mandatory expenditures funds or from the carry-over of support costs funds agreed upon for the period up to 5 May 1957.

2. Paragraph 1 of this Article shall apply also to goods and services ordered before the entry into force of the present Agreement and for which payment is made in Deutsche Mark from funds made available to a force by the Federal Republic as mutual defence aid before that date.

## ARTICLE 80

The provisions of Article XV of the NATO Status of Forces Agreement shall apply to the present Agreement, it being understood that references in that Article to other provisions of the NATO Status of Forces Agreement shall be deemed to be references to those provisions as supplemented by the present Agreement.

## ARTICLE 81

1. Subject to the provisions of paragraph 2 of this Article, the present Agreement shall remain in force while forces are stationed in the Federal Republic in accordance with the terms of the Convention on the Presence of Foreign Forces in the Federal Republic of Germany of 23 October 1954 [9] or any arrangement which may replace it.

<sup>9</sup> TIAS 3426; 6 UST 5689.

2. The present Agreement shall lapse
  - (a) if the Federal Republic denounces the NATO Status of Forces Agreement, when its denunciation takes effect pursuant to Article XIX of that Agreement;
  - (b) between the Federal Republic and any sending State that denounces the NATO Status of Forces Agreement when such denunciation takes effect.

## ARTICLE 82

The present Agreement shall be reviewed

- (a) when the Convention on the Presence of Foreign Forces in the Federal Republic of Germany of 23 October 1954 is reviewed in accordance with paragraph 2 of Article 3 of that Convention;
- (b) upon the request of one of the Contracting Parties on the expiry of a period of three years subsequent to its entry into force;
- (c)
  - (i) in respect of one or more provisions when provisions of the NATO Status of Forces Agreement to which they are directly related are reviewed under Article XVII of that Agreement;
  - (ii) at any time at the request of one of the Contracting Parties in respect of one or more provisions if their continued application would in the view of the Party making the request be especially burdensome to that Party, or if such application could not reasonably be expected of that Party; in such case negotiations shall be opened within a period not to exceed three months after submission of the request; if, after three months of negotiations, agreement has not been reached, any Contracting Party may apply to the Secretary-General of the North Atlantic Treaty Organization in accordance with the resolution of the North Atlantic Council of 13 December 1956, requesting him to use his good offices and to initiate one of the procedures named in that resolution; the Contracting Parties shall pay full heed to any recommendations deriving from such procedure;
  - (iii) at any time at the request of one of the Contracting Parties in respect of one or more provisions of a purely technical or administrative character.

## ARTICLE 83

1. The present Agreement shall be ratified or approved. The instruments of ratification or approval shall be deposited by the signatory States with the Government of the United States of America which shall notify each signatory State of the date on which the instruments are deposited.

2. The present Agreement shall enter into force [6] thirty days after the date on which the Federal Republic has deposited with the Government of the United States of America, in accordance with the conditions specified in the Resolution of the North Atlantic Council of 5 October 1955, its instrument of accession [7] to the NATO Status of Forces Agreement.

<sup>6</sup> July 1, 1963.

<sup>7</sup> Accession deposited June 1, 1963.

3. The present Agreement shall be deposited in the Archives of the Government of the United States of America, which shall transmit certified copies thereof to each signatory State.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Agreement.

DONE at Bonn, this third day of August 1959, in the German, English and French languages, all texts being equally authentic.

For the Kingdom of Belgium: [8]

BARON DE GRUBEN

For Canada: [9]

ESCOTT REID

For the French Republic: [10]

FRANÇOIS SEYDOUX

For the Federal Republic of Germany: [11]

A. H. VAN SCHERPENBERG

For the Kingdom of the Netherlands: [12]

H. VAN VREDENBURCH

For the United Kingdom of Great Britain and Northern Ireland: [13]

CHRISTOPHER STEEL

For the United States of America: [14]

DAVID BRUCE

#### Protocol of Signature to the Supplementary Agreement

Upon the signature of the Agreement to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany (hereinafter referred to as the "Supplementary Agreement") the undersigned Representatives of

THE KINGDOM OF BELGIUM,

CANADA,

THE FRENCH REPUBLIC,

THE FEDERAL REPUBLIC OF GERMANY,

THE KINGDOM OF THE NETHERLANDS,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

and

The UNITED STATES OF AMERICA,

acknowledge that the following Minutes and Declarations have been agreed:

#### PART I

#### Agreed Minutes and Declarations concerning the NATO Status of Forces Agreement

##### Re article I, paragraph 1, subparagraph (a)

1. In view of the definition of a "force", the Federal Republic regards the NATO Status of Forces Agreement and the Supplementary

<sup>8</sup> Ratification deposited May 15, 1963.

<sup>9</sup> Ratification deposited Dec. 11, 1961.

<sup>10</sup> Ratification deposited Jan. 11, 1962.

<sup>11</sup> Ratification deposited June 1, 1963.

<sup>12</sup> Ratification deposited Sept. 10, 1962.

<sup>13</sup> Ratification deposited July 9, 1962.

<sup>14</sup> Approval deposited July 28, 1961.

Agreement as being applicable also to such forces of a sending State as are temporarily in the Federal territory in accordance with paragraph 3 of Article 1 of the Convention on the Presence of Foreign Forces in the Federal Republic of Germany of 23 October 1954.

2. Service attachés of a sending State in the Federal Republic, the members of their staffs and any other service personnel enjoying diplomatic or other special status in the Federal Republic shall not be regarded as constituting or included in a "force" for the purpose of the NATO Status of Forces Agreement and the Supplementary Agreement.

3. Except in cases of military exigency, the Governments of the sending States will make every effort not to station in the territory of the Federal Republic as members of a force persons who are solely Germans.

4. (a) The following non-appropriated fund organizations and activities are integral parts of the United States force:

- (i) European Exchange System (EES)
- (ii) Air Forces Europe Exchange (AFEX)
- (iii) USAREUR Class VI Agency
- (iv) USAFE Class VI Agency
- (v) European Motion Picture Service
- (vi) USAFE Motion Picture Service
- (vii) USAREUR Special Services Fund
- (viii) USAREUR Special Services Reimbursable Fund
- (ix) American Forces Network
- (x) Dependent Education Group (including Dependent schools)
- (xi) Armed Forces Recreation Center Fund
- (xii) Association of American Rod and Gun Clubs in Europe
- (xiii) Stars and Stripes
- (xiv) Other non-appropriated fund organizations, including authorized clubs and messes

(b) The organizations referred to under item (xiv) of subparagraph (a) of this paragraph shall conduct tax- and duty-free procurement through officially designated procurement agencies of the force in accordance with agreed procedures.

(c) The list of organizations and special funds under subparagraph (a) of this paragraph is subject to amendment as organizational changes require.

5. Members of the Armed Forces of a sending State stationed in Berlin, of their civilian components and dependents shall be considered to be, and treated as, members of the force, of the civilian component or dependents while on leave in the Federal territory.

Re Article V, paragraph 1, second sentence

1. The authorities of a sending State may authorize the members of the force to wear civilian clothes in accordance with the regulations of the sending State.

2. Paragraph 1 of this Section shall also apply to French detachments in which individual members of the force are regrouped and officered (recruits proceeding to their assigned units in the Federal Republic or returning home after discharge), if the French regulations allow such personnel to cross the border in civilian clothes.

### Re Article VII

1. The Federal Republic regards offences dealt with under administrative penal procedure (Verwaltungsstrafverfahren) and offences subject to a fine only (Ordnungswidrigkeiten) as offences punishable by the law of the receiving State within the meaning of Article VII and the provisions of the Supplementary Agreement directly relating thereto.

2. (a) In view of sub-paragraph (b) of paragraph 1 of Article VII, the Federal Republic does not consider it to be within its competence to decide on requests for extradition of members of a force, of a civilian component or dependents.

(b) The sending States will not act upon requests for extradition of Germans who are present in the Federal territory as members of a force or as dependents.

### Re Article IX, paragraph 6

The Federal Republic is prepared to give the most favourable consideration to requests for the grant to dependents of travelling facilities and concessions with regard to fares. Such consideration will be exercised only within the framework of existing tariffs and where comparable circumstances exist.

### Re Article XIX

The Federal Government recognizes that it would be undesirable for the status of the forces to remain unsettled. It will therefore exercise the right of denunciation to which it is entitled under Article XIX only for urgent reasons and only after consultation with the Governments of the sending States. The Federal Government is prepared in the event of denunciation to enter into negotiations with the Governments of the sending States without delay for the conclusion of adequate alternative arrangements. Pending the conclusion of such arrangements it would assure to the forces a position not prejudicial to the stability of their essential stationing conditions.

## PART II

### Agreed Minutes and Declarations concerning the Supplementary Agreement

#### Re Article 1

In the event of the Supplementary Agreement entering into force before the expiry of the transitional period provided for in paragraph 2 of Article 1 and in Article 3 of the Treaty between the French Republic and the Federal Republic of Germany on the Settlement of the Saar Question, dated 27 October 1956, the provisions of the Supplementary Agreement affecting matters which pursuant to Chapter II of that Treaty are not subject to German jurisdiction shall not be applicable in the Saar before the expiry of that period.

#### Re Article 2

The authorities of the forces shall limit as far as possible the number of close relatives, within the meaning of sub-paragraph (a) of paragraph 2 of Article 2, to be admitted to the Federal territory.

## Re Article 4

In the application of Article 4 the German authorities shall deal only with the authorities of that sending State which exercises the rights and fulfills the obligations concerned.

## Re Article 5

The provisions of sub-paragraph (a) of paragraph 1 of Article 5 shall not apply to entry into, or exit from, the Federal territory.

## Re Article 7

In the application of the German regulations on compulsory military service, periods of time spent in the Federal territory as a member of a force, of a civilian component or as a dependent shall be disregarded.

## Re Article 8

1. Expulsion may be carried out only in accordance with the provisions of the German legislation on police control of aliens (Ausländerpolizeirecht).

2. The extent to which provisions of the German Police Ordinance on Aliens (Ausländerpolizeiverordnung) of 22 August 1938, at present in force, have become obsolete, is indicated by the following explanations:

(a) The following terms shall, where they occur in the text of the Ordinance, be replaced as follows:

- (i) "Reich territory" by "Federal territory";
- (ii) "Reich" by "Federation";
- (iii) "Reich frontier" by "Federal frontier";
- (iv) "District Police Administration" (Kreispolizeiverwaltung) by the appropriate "City or District Administrations" (Stadt-, Kreisverwaltungen) established by Land laws insofar as they have taken over the functions of the District Police Administration;
- (v) "Reichsmark" by "Deutsche Mark";
- (vi) "Reich Minister of the Interior" by "Federal Minister of the Interior".

(b) Re Section 5, paragraph 1, sub-paragraph (a):

The term "people's community" (Volksgemeinschaft) is deemed to have been deleted by virtue of Article II of Control Council Law No. 1, which reads as follows:

"No German enactment, however or whenever enacted, shall be applied judicially or administratively in any instance where such application would cause injustice or inequality, either

a) by favouring any person because of his connection with the National Socialist German Labour Party, its formations, affiliated associations, or supervised organizations, or

b) by discriminating against any person by reason of his race, nationality, religious beliefs, or opposition to the National Socialist German Labour Party or its doctrines."

(c) Re Section 5, paragraph 1, sub-paragraph (c):

The legal basis for carrying out castration (Section 42a, item 5, and Section 42k of the Criminal Code) has been eliminated by Article I of Control Council Law No. 11. Moreover, castration

is not permissible under the first sentence of paragraph 2 of Article 2 of the Basic Law, which reads as follows:

“Everyone has the right to life and to inviolability of his person.”

(d) Re Section 5, paragraph 1, sub-paragraph (g):

The term “race” is deemed to have been deleted by virtue of Article II of Control Council Law No. 1 (see sub-paragraph (b)) and of paragraph 3 of Article 3 of the Basic Law, which reads as follows:

“No one may be prejudiced or favoured because of his sex, his parentage, his race, his language, his homeland and origin, his faith or his religious and political opinions.”

(e) Re Section 5, paragraph 1, sub-paragraph (h):

The term “gipsy” is deemed to have been deleted by virtue of Article II of Control Council Law No. 1 (see sub-paragraph (b)) and by paragraph 3 of Article 3 of the Basic Law (see sub-paragraph (d)).

(f) Re Section 7, paragraph 1, sub-paragraph (c):

Under the second sentence of paragraph 2 of Article 16 of the Basic Law, persons persecuted for political reasons shall enjoy the right of asylum. Such right is not affected by paragraph 1 of Section 7 of the Police Ordinance on Aliens. The same applies to foreign refugees within the meaning of the Agreement on the Legal Status of Refugees of 28 July 1951 (Bundesgesetzblatt 1953 Teil II, page 559).

(g) Re Section 7, paragraph 4 and paragraph 5, sentence 2:

Both German nationals and aliens may be detained only if the following provisions of paragraphs 2 and 4 of Article 104 of the Basic Law are observed:

“2. Only judges may decide on the admissibility or extension of a deprivation of liberty. Where such deprivation is not based on the order of a judge, a judicial decision must be obtained without delay. The police may hold no one on their own authority in their own custody longer than the end of the day after the arrest. Details shall be regulated by legislation.

4. A relative of the person detained or a person enjoying his confidence must be notified without delay of any judicial decision ordering or extending a deprivation of liberty.”

(h) Re Section 7, paragraph 5:

The comments in sub-paragraphs (f) and (g) apply.

(i) Re Section 9, paragraphs 2 and 4:

Detention prior to expulsion likewise is permissible only in accordance with paragraphs 2 and 4 of Article 104 of the Basic Law (see sub-paragraph (g)).

(j) Re Section 11, paragraph 1, last sentence, paragraph 2, last sentence, and paragraphs 5 and 6:

Those provisions are deemed to have been deleted or to have become inapplicable by virtue of paragraph 4 of Article 19 of the Basic Law, which reads as follows:

“Should any person’s right be violated by public authority, recourse to the court shall be open to him. If no other court has jurisdiction, recourse shall be to the ordinary courts.”

Identical provisions are contained in the administrative court laws of the Länder (e.g. for the Länder of the former British Zone of Occupation, Ordinance No. 165 of British Military Government on Jurisdiction of Administrative Courts in the British Zone—Verordnungsblatt, British Zone 1948, page 263).

(k) Re Section 11, paragraph 4:

The effect of this provision has been limited insofar as, pursuant to paragraph 4 of Article 19 of the Basic Law (see sub-paragraph (j)), recourse may be had to the administrative court against denial of the staying effect of a complaint.

(l) Re Section 14:

The provision has become obsolete by the lapse of time.

(m) Re Section 15, paragraph 1:

In connection with this provision, note should be taken of paragraph 1 of Article 116 of the Basic Law, which provides as follows:

“Unless otherwise provided by law, a German within the meaning of this Basic Law is a person who possesses German nationality or who has been received in the territory of the German Reich, as it existed on 31 December 1937, as a refugee or expellee of German stock (Volkszugehörigkeit) or as the spouse or descendant of such person.”

(n) Re Section 17, paragraph 2:

The authority to issue ordinances having the force of law or general administrative regulations has become extinct by virtue of paragraph 3 of Article 129 of the Basic Law.

3. The provisions of German law concerning expulsion, and in particular paragraph 1 of Section 5 of the Police Ordinance on Aliens shall apply only where the reasons for expulsion mentioned therein are not incompatible with the provisions of the NATO Status of Forces Agreement and of the Supplementary Agreement.

#### Re Article 12

The expression “German law on self-defence (Notwehr)” in paragraph 2 of Article 12 should be construed in accordance with the following German interpretation of Section 53 of the German Criminal Code:

(a) Section 53 of the German Criminal Code reads as follows:

“No act is punishable if demanded in self-defence.

Self-defence is such defence as is necessary to avert an imminent unlawful attack upon oneself or another.

An act in excess of necessary self-defence is not punishable if the perpetrator exceeded the bounds of defence in consternation, fear or alarm.”

(b) In construing Section 53 of the German Criminal Code, legal practice has long followed some well-established principles which may be summarised as follows:

(i) Attack means any act which is aimed at violating the legally protected rights or interests of another person.

(ii) The nature of the protected rights or interests which are threatened by the attack is not material. The objects of an attack include not only life and limb but all legally protected interests, such as liberty, morality, honour, property, possession, or hunting rights.

(iii) The protected interest to be defended need not belong to the person defending it; it may belong to some other person. In the latter case self-defence is termed defence in aid of a third person (Nothilfe).

(iv) An attack which the attacked person is under no obligation to suffer shall be deemed to be an unlawful attack. Thus self-defence is permissible not only against a person guilty of an unlawful act but also against an incompetent, an insane person, a child, or one acting in unavoidable error.

(v) An attack shall be deemed an "imminent" attack if it is immediately impending, or is in progress, or is continuing; an attack threatened in the future or which has been completed is not considered an imminent attack. Whether or not an attack is imminent is determined by the objective facts and not by the subjective belief of the person acting in self-defence.

(vi) An attack shall be deemed to be continuing and therefore imminent until the danger arising from it to the threatened legally protected interest either has completely passed or, conversely, until the attack has resulted in the irretrievable loss of such interest. For instance, if a thief escapes with a stolen article or a poacher with a head of game, self-defence is permissible during hot pursuit and so long as the object in question, insofar as the perpetrator is concerned, has not reached a place of safety.

(vii) The act of self-defence must be necessary to avert an attack. The necessity shall be ascertained from case to case by applying objective standards. In principle, the extent of permissible defence is determined by the severity and persistence of the attack and by the means which are available to the person attacked for his defence.

(viii) A legally protected interest of the attacker shall be deemed to have been infringed upon unnecessarily if the person threatened by the attack is able to evade the attack without abandoning his own interests.

(ix) As a rule, it is not necessary that the value of the legally protected interests of the attacked person should be balanced against the loss which the attacker might sustain (principle of proportionality). But this principle is subject to limitations. The killing of a thief is not a required (necessary) act of defence if the articles which the attacked person risks losing are only of minor value (this principle is controversial).

(x) It suffices that the act of self-defence is required in order to avert an attack against oneself or any other person. It is not necessary that the attack is aimed at a relative within the meaning of paragraph 2 of Section 52 of the German Criminal Code.

(xi) Only insofar as directed against the attacker shall an act of defence be deemed to be an act of self-defence to ward off an unlawful attack. Acts which violate legally protected interests of innocent bystanders cannot be justified on grounds of self-defence. Under certain circumstances the

perpetrators of such acts may go unpunished on the ground that the acts were justified by necessity (Notstand).

#### Re Article 19

1. The request for a waiver of the primary right of the Federal Republic to exercise criminal jurisdiction provided for in paragraph 1 of Article 19 shall be made at the time of the entry into force of the Supplementary Agreement by whose of the sending States which have decided to make use of the waiver. The Federal Republic shall grant the waiver to these sending States when the Supplementary Agreement enters into force. If a sending State decides, after the entry into force of the Supplementary Agreement, to make use of the waiver, the State concerned shall not request such waiver until agreement has been reached with the Federal Government on the necessary transitional arrangements.

2. (a) Subject to a careful examination of each specific case and to the results of such examination, major interests of German administration of justice within the meaning of paragraph 3 of Article 19 may make imperative the exercise of German jurisdiction, in particular in the following cases:

(i) offences within the competence of the Federal High Court of Justice (Bundesgerichtshof) in first and last instance or offences which may be prosecuted by the Chief Federal Prosecutor (Generalbundesanwalt) at the Federal High Court of Justice;

(ii) offences causing the death of a human being, robbery, rape, except where these offences are directed against a member of a force or of a civilian component or a dependent;

(iii) attempt to commit such offences or participation therein.

(b) In respect of the offences referred to in sub-paragraph (a) of this paragraph the authorities concerned shall proceed in particularly close cooperation from the beginning of the preliminary investigations in order to provide the mutual assistance envisaged in paragraph 6 of Article VII of the NATO Status of Forces Agreement.

#### Re Article 22

The sending States shall retain the right to keep in custody the arrested person either in a detention institution of their own or with their force. In order to ensure smooth implementation of the obligations imposed by the second sentence of paragraph 3 of Article 22, the authorities of the sending States shall keep the arrested person, where possible, in the vicinity of the seat of the German authority dealing with the case; this, however, shall not constitute an obligation on their part to keep the arrested person outside the area of the force.

#### Re Article 26, paragraph 1, sub-paragraph (b)

The term "military exigency" may also apply to cases in which the offence was committed by a person temporarily present in the Federal territory for the purposes of training exercises or manoeuvres.

#### Re Article 31

1. Articles 17 to 24 of the Hague Convention on Civil Procedure of 17 July 1905 [1] shall in the relations between the Federal Republic and

<sup>1</sup> *British and Foreign State Papers*, vol. 99, p. 990.

the French Republic, be considered to be an agreement within the meaning of Article 31, until such time as the Hague Convention on Civil Procedure of 1 March 1954 [2] enters into force.

2. With respect to liability for breach of official duties, the following shall apply between the Federal Republic and the French Republic, as well as between the Federal Republic and the Kingdom of Belgium:

The liability of the State (Federation or Land) or of a corporation existing under public law for damage suffered by a member of the Belgian force or of the French force, of their civilian components or by dependents as a result of a breach of official duties by German public servants in the Federal Republic shall be governed by the provisions applying to German nationals (Inländer).

#### Re Article 41

1. Article 41 shall not be applicable to claims concerning damage arising under contracts or quasi-contractual relationships.

2. (a) (i) In the case of damage to public roads and of damage to property of the Federal Republic, except property of the German Federal Railways and of the German Federal Post, caused by manoeuvres and other training exercises for which compensation would have been payable under Article 41, a force may, in lieu of paying such compensation, itself repair the damage.

(ii) If a force wishes itself to repair damage to public roads, it will consult the competent German authorities and will refrain from itself carrying out the repair if the German authorities object for cogent technical building or traffic police control reasons. In these cases and in other cases of damages referred to in item (i) of this sub-paragraph contact shall not be necessary in individual cases if previously there has been an understanding on carrying out of repairs by the force on a general basis.

(b) Nothing shall preclude a force itself making good the damage, in agreement with the person having suffered it, in cases other than those referred to in sub-paragraph (a) of this paragraph.

(c) In the cases referred to in sub-paragraphs (a) and (b) of this paragraph, nothing shall preclude the person suffering the damage asserting any possible claim to which he may be entitled if in his opinion the damage has not been repaired either fully or properly.

3. In order to permit speedy settlement of compensation proceedings, a reasonable period of time should be provided within which to file compensation claims under Article VIII of the NATO Status of Forces Agreement in conjunction with Article 41. To this end, the Federal Republic shall enact suitable legislation.

4. The waiver given by the Federal Republic in sub-paragraph (a) of paragraph 3 of Article 41 shall not apply to damage arising from non-fulfilment of the accepted responsibility for repair and maintenance. To the extent that the agreements (Überlassungsvereinbarungen) do not contain provisions for the settlement of such damage claims, the procedure for settling them shall be laid down in administrative agreements.

<sup>2</sup> The Hague Convention on Civil Procedure of 1954 entered into force for France June 22, 1959, and for the Federal Republic of Germany January 1, 1960; 286 UNTS 265.

5. Insofar as property of juristic persons whose shares are in the hands of the Federation is made available free of charge to a force or a civilian component for exclusive use, the Federal Republic shall relieve the sending State of liability in respect of damages to this property to the same extent as the Federal Republic has waived, in accordance with sub-paragraph (a) of paragraph 3 of Article 41, compensation for damage to property which it owns.

6. (a) If in the cases referred to in the last sentence of sub-paragraph (a) of paragraph 3 and the last sentence of paragraph 5 of Article 41, there is a difference of opinion between the competent German authorities and the authorities of a force as to whether or not damage was caused wilfully or by gross negligence, the authorities on both sides shall enter into negotiations.

(b) If a difference of opinion remains that cannot be resolved in further discussions between the parties at higher level, the arbitrator referred to in sub-paragraph (a) of paragraph 2 of Article VIII of the NATO Status of Forces Agreement shall decide.

7. In respect of property owned by a Land and made available for use by a force (paragraph 4 of Article 41), the authorities of the force and the German authorities shall determine jointly the condition of such property as at the date of the entry into force of the Supplementary Agreement. A similar determination shall be made at the time of the release of such property. Claims for damages or loss, if any, shall be settled on the basis of the condition of the property on these dates.

8. The American Red Cross and the University of Maryland shall not be deemed to be, nor be treated as, integral parts of the force for the purpose of paragraph 7 of Article 41 and in respect of the settlement of damage claims shall not be exempt from German jurisdiction.

9. The administrative agreements referred to in paragraph 13 of Article 41 may also contain arrangements which differ from the procedural arrangements contained in Article VIII of the NATO Status of Forces Agreement.

#### Re Article 47

The following language will be included in the administrative agreements envisaged in sub-paragraph (g) of paragraph 5 of Article 47:

“In order to permit the German authorities to comply with the provisions of German budgetary law, it shall be certified in the written consent referred to in sub-paragraph (c) of paragraph 5 of Article 47 of the Supplementary Agreement that the necessary budgetary funds are available.”

#### Re Article 48

1. (a) Where in implementation of the third sentence of sub-paragraph (c) of paragraph 1 of Article 48 utilization contracts (Nutzungsverträge), toleration contracts (Duldungsverträge) or similar contracts are concluded, the German authorities shall agree upon the amount of compensation payable in consultation with the authorities of the force or the civilian component, except insofar as such compensation is to be borne by the Federal Republic under the provisions of sub-paragraph (a) of paragraph

5 of Article 63. The same shall apply where a unit of accommodation is requisitioned under the Land Procurement Law, to agreements regarding the amount of compensation payable in respect of anticipatory possession (*Besitzeinweisungsentschädigung*) or any other compensation. The provisions of Article 63 shall remain unaffected.

(b) The procedure envisaged in sub-paragraph (a) of paragraph 1 shall be applied *mutatis mutandis* when under the Restricted Areas Law or the Air Traffic Law utilization contracts, toleration contracts or similar contracts are concluded in the interests of a force, or when agreements are concluded on the amount of compensation payable in respect of restricted areas (*Schutzbereichentschädigungen*).

2. With respect to paragraph 2 of Article 48 and without prejudice to the arrangements set forth in sub-paragraphs (a) and (b) of paragraph 5 of that Article, the authorities of a sending State shall in special cases, at the request of the Federal Government, enter into negotiations for the release or exchange of accommodation which was in the possession of a force or a civilian component at noon on 5 May 1955, in order to take into account essential German civilian interests and in particular the exigencies of town and country planning (*Raumordnung und Städtebau*), nature preservation, and farming and economic interests. The authorities of the sending State shall in this give sympathetic consideration to requests by the Federal Government.

3. With respect to paragraph 2 and sub-paragraph (c) of paragraph 5 of Article 48, the following shall apply: In order to avoid difficulties in cases in which, in respect of accommodation made available to a force or to a civilian component for use, the legal relationship with the owner or other entitled person ends, and in order to facilitate the implementation by the Federal Republic of the undertaking set forth in the first sentence of paragraph 2 of Article 48, the German authorities and the authorities of the force shall maintain constant and close contact with each other. The authorities of the force shall inform the German authorities as early as possible if in such a case there is a continuing accommodation requirement beyond the date on which the legal relationship ends. In order that the authorities of the force will be able so to state, the German authorities shall as early as possible, and to the extent necessary, inform the authorities of the force that the legal relationship with the owner or other entitled person will lapse, and when; this shall apply especially in cases where the legal relationship ends otherwise than by expiration of a lease or rent contract.

4. The details with regard to the use of accommodation referred to in the first sentence of sub-paragraph (a) of paragraph 3 of Article 48 shall be taken to mean, in particular, duration of availability, utilization, responsibility for repairs, maintenance, and traffic safety measures, as well as any financial arrangements which may be necessary within the framework of the NATO Status of Forces Agreement and the Supplementary Agreement.

5. (a) In the agreements required under sub-paragraph (b) of paragraphs 3 of Article 48 the data on the equipment of the accommodation legally owned by the Federation or a Land (*rechtlich im Eigentum des Bundes oder eines Landes stehend*)—

except accommodation of the German Federal Railways or German Federal Post—shall cover only those objects, the removal of which under Article 50 requires the consent of, or prior notification to, the German authorities. The state of preservation of accommodation shall, at the request of the authorities of the force concerned, be expressed in general terms, such as “good”, “moderate”, or “bad”.

(b) Further procedural and technical details shall, to the extent necessary, be governed by administrative agreement.

6. The obligation under paragraph 4 of Article 48 to carry out repair and maintenance shall not include the reconstruction of a building wholly or largely destroyed by act of God.

7. The negotiations which in application of sub-paragraph (a) of paragraph 5 of Article 48 take place between the authorities of a force and the German authorities concerning the question of whether alternative accommodation offered by the Federal Republic satisfies the requirements of the force or the civilian component, shall extend, as far as necessary, to financial questions arising in this connection.

#### Re Article 50

1. Nothing in Article 50 shall be construed to mean that the removal from one unit of accommodation to another of fixtures, fittings and furnishings which are not owned by the Federation is admissible without the owner's consent.

2. In cases where the building records are no longer available, the authorities of the force or of the civilian component and the German authorities shall jointly determine, in accordance with criteria applicable to buildings of the same type, which articles fall within the purview of sub-paragraph (a) of Article 50.

#### Re Article 51

1. If it is uneconomical to return an article to the Federal territory, for instance if transportation costs exceed its value, agreement to the sale of such article abroad shall be given by the German authorities.

2. The removal from the Federal territory to Berlin (West) of movable property procured from occupation costs, mandatory expenditures or support costs funds for use by the Armed Forces of the sending State shall not be regarded as removal from the Federal territory within the meaning of Article 51. Property removed to Berlin (West) shall be subject to the provisions of paragraphs 1 and 2 thereof. Its further removal elsewhere, except its return to the Federal territory, shall be subject to the provisions of paragraphs 3 and 4 thereof.

3. Notwithstanding the special status enjoyed by the Saarland during the transitional period provided for in paragraph 2 of Article 1 and in Article 3 of the Treaty between the French Republic and the Federal Republic of Germany on the Settlement of the Saar Question, dated 27 October 1956, in the field of customs, taxes and foreign currency, the provisions of Article 51 shall apply to movable property procured from occupation costs, mandatory expenditures or support costs funds, located in the Saarland, as well as to its removal from the Saarland to places outside the Federal Republic. The provisions of Article 51 shall, until the expiry of the transitional period referred to in this paragraph, apply *mutatis mutandis* to the removal of such property from other parts of the Federal territory to the Saarland.

4. The words "necessary to the fulfilment of the defence mission of NATO" contained in paragraph 3 of Article 51 shall not be construed as calling for a specific NATO directive.

5. Registration contracts in respect of railway cars concluded under paragraph 2 of Article 57 of the Supplementary Agreement shall, unless it is otherwise agreed, remain effective even if such railway cars are removed from the Federal territory pursuant to paragraph 3 of Article 51.

6. The agreements specified in paragraph 4 of Article 51 shall be concluded in the spirit of the mutual aid envisaged by Article 3 of the North Atlantic Treaty.

#### Re Article 52

In reaching agreement on residual value, the German authorities shall base their position on the military or economic use which the relinquished improvements, equipment, or supplies have for these authorities themselves, or on the net proceeds of sale, if any.

#### Re Article 53

1. Unless otherwise provided, a force shall not be entitled to exploit for economic benefit accommodation made available for its use.

2. Exploitation by the person entitled thereto shall be restricted only to the extent necessary to achieve the purpose stated in the first sentence of paragraph 1 of Article 53.

3. The term "restricted area" (Schutzbereich) shall be interpreted in accordance with its meaning in German law. The term "appropriate measures" within the meaning of paragraph 6 of Article 53 shall be construed to mean only such measures as can be taken by the German authorities within their legal powers.

4. Should German legislation implementing Article 53 prove insufficient to ensure that the defence responsibilities of a force can be satisfactorily fulfilled, the German authorities and the authorities of the force shall discuss the desirability or necessity of seeking amendment to such legislation.

5. Co-operation between the authorities of a force and the German authorities with regard to the administration of property made or to be made available by the Federal Republic to the force for its use shall extend in particular to the following fields:

(a) determination of land boundaries, production of site plans and survey documents of plots of land;

(b) drawing up of property lists and inventories, valuation of such property;

(c) public safety and order, including fire precautions, prevention of accidents and safety measures, such as those pertaining to rifle ranges, ammunition depots, fuel depots and dangerous plants;

(d) health and sanitation (as provided for in Article 54);

(e) industrial inspection,

(f) water, gas and electricity supply, drainage, and sewage disposal;

(g) property restrictions, protection of neighbouring property, town and country planning, protection of monuments and sanctuaries;

- (h) basic preservation of land and buildings;
- (i) water, power and heating plants, where these serve not only the force but also German agencies or the civilian population;
- [(j)]<sup>1</sup>
- (k) use of land and buildings by the civilian population or German authorities for business, agricultural or residential purposes;
- (l) forestry operations, hunting, shooting and fishing;
- (m) exploitation of mineral deposits;
- (n) traffic precautions, as well as maintenance and cleaning of roads open to the public traffic;
- (o) operation and maintenance of railway connections;
- (p) telecommunications.

6. Co-operation between the authorities of a force and the German authorities shall be carried out in accordance with the following procedures:

(a) The authorities of the force and the German authorities shall designate representatives for a unit or units of accommodation. The representatives of the force and the German representatives shall co-operate to ensure that due consideration is given to the interests of the force and to German interests. They shall agree on such measures as may be necessary for implementing co-operation.

(b) The military commander responsible for the accommodation or other appropriate authority of the force shall give the German representatives and the experts nominated by them all reasonable assistance necessary to safeguard the German interests, including access to accommodation, subject in all cases to considerations of military security.

(c) Notwithstanding the provisions of sub-paragraphs (a) and (b) of this paragraph, the following procedure shall apply:

(i) The property lists and inventories of property referred to in sub-paragraph (b) of paragraph 5 of this Section shall normally be set up or checked at the beginning and the end of the period for which a unit of accommodation is made available to the force for its use.

(ii) Co-operation in the field of safety measures in respect of rifle ranges, ammunition depots and fuel depots shall normally be effected through joint commissions. Details of such procedure shall be laid down in administrative agreements.

7. Where provisions of the Supplementary Agreement or special NATO regulations prescribe for certain accommodation a different procedure for co-operation in the fields referred to in paragraph 5 of this Section, such provisions or regulations shall prevail.

#### Re Article 54, paragraph 1

In cases where it is legally or technically impossible for a force or a civilian component to comply in detail with a German health regulation, the German authorities and the authorities of the force shall agree without delay on other means of meeting the object of the regulation.

<sup>1</sup> No such lettered provision appears in the original.

## Re Article 56, paragraph 9

1. The individual administrative units and establishments (Betriebe) of a force or of a civilian component as defined by the force concerned shall be agencies within the meaning of the Personnel Representation Law (Personalvertretungsgesetz) of 5 August 1955 (Bundesgesetzblatt Teil I, page 477), referred to in this Section as "the Law". Those headquarters which are administratively immediately subordinate to the highest authority of a force and to which other agencies are administratively subordinate shall be the intermediate authorities.

2. There shall be no joint works councils (Gesamtbetriebsräte). Works councils above the local level (Stufenvertretungen) shall only be established at the level of the intermediate authorities as district works councils; the maximum number of their members shall be eleven. In the case of duty travel performed by the members of a district works council, travelling expenses shall be paid pursuant to the tariff provisions governing travelling expenses for salaried civilian employees of the force but at not less than the second highest rate.

3. In discussions with the works council, the head of the agency may be represented by a person holding a responsible position in the management of the agency. The head of the agency shall not be required to appoint the electoral committee for the election of the local works council. Applications by the Trade Unions for the convening of staff assemblies for the purpose of electing the electoral committee shall be submitted in writing.

4. The period of employment with the agency, required to establish eligibility for election to the works council, shall be one year.

5. The period of office of works councils shall be one year.

6. The head of the agency shall not be required to submit to the members of the works council such documents as are classified for security reasons. For the same reasons, and in accordance with special directives issued by the highest authority of the force, a member of the works council may be restricted in his right of access to agencies of the force; the same shall apply to other persons who, according to the provisions of the Law, may participate in the meetings of the works council.

7. In those cases where the provisions of the Law envisage rights to co-determination, the co-operation procedure (Mitwirkungsverfahren) shall apply. Works agreements (Dienstvereinbarungen) may be concluded on the basis of a freely negotiated settlement, if they are admissible in accordance with the Law, and if the head of the agency is authorized to conclude such agreement. The provisions of the Law concerning the reasons for denying the approval of upgrading, downgrading and transfer shall not apply.

8. Insofar as it is incompatible with the fulfilment of the defence responsibilities of the force, the head of the agency shall not be required to submit to or discuss with the works council any draft of administrative instructions prior to their being issued. In the case of investigations into accidents the works council shall be called in unless regulations regarding military security or discipline exclude the presence of works council members.

9. The works council shall co-operate in all measures concerning medical and health service for the employees, except in the appointment of medical doctors.

10. Where the Law provides for court decisions, the German Labour Courts shall decide cases in accordance with the procedure provided for in German law (Beschlussverfahren), and the Federal Republic shall act in the proceedings in the name of a force or a civilian component at their request.

11. At the request of a force or a civilian component, the agency designated by the Federal Republic shall apply for the institution of a criminal prosecution in respect of a breach of secrecy (Verletzung der Schweigepflicht) in accordance with the penal provisions of the Law.

12. The period of office of duly elected works councils existing at the date of entry into force of the Supplementary Agreement shall terminate not later than six months after that date.

#### Re Article 57, paragraph 3

During the thaw period any special road signs erected by the German authorities or special orders issued by the latter shall be observed except in cases of accidents, catastrophes or a state of emergency.

#### Re Article 58

The limited use, by the military transport services of a force, of specialized internal telephone systems operated by German agencies may be continued, subject to the conclusion of administrative agreements, provided that

(a) the number of existing extensions shall not be increased;

(b) this number shall be jointly reviewed immediately after the entry into force of the Supplementary Agreement, and shall be reduced as far as possible;

(c) by mutual agreement the number of extensions shall subsequently be progressively reduced and these extensions finally discontinued as and when the technical development of the public telephone system or of an alternative military system renders such exceptional use unnecessary.

#### Re Article 60

1. If the German Federal Post intends to amend the regulations on the use of telecommunication facilities referred to in the second sentence of paragraph 1 of Article 60 or to introduce new regulations on such use, and a force will be affected thereby, the force shall be informed at the earliest possible date and in no case later than one month prior to the entry into force of the regulations in question, in order that any necessary consultations may take place. The force shall be allowed sufficient time to make any changes in telecommunication facilities or administrative procedure required thereby.

2. Aeronautical and meteorological services fall within the category of radio services referred to in sub-paragraphs (b) and (c) of paragraph 2 of Article 60.

3. (a) Sub-paragraph (b) of paragraph 4 of Article 60 refers to telecommunication facilities whose installation is not otherwise authorized under that Article.

(b) Where the period of six months stipulated in sub-paragraph (b) of paragraph 4 of Article 60 is exceeded due to factors beyond the control of the force or the implementing agency (e.g. strikes or lack of material), a special agreement covering the extension of such period of time shall be concluded. Telecommunication facilities of the force the establishment of which the German

Federal Post has contracted prior to the entry into force of the Supplementary Agreement shall not be deemed subject to such period of six months. Such facilities may be taken into use at any time subsequent to the entry into force of the Supplementary Agreement.

4. The right mentioned in sub-paragraph (a) of paragraph 5 of Article 60 to set up and operate sound and television broadcasting stations does not affect the question of copyright.

5. (a) A force shall use only the frequencies assigned to it by the German authorities. Assignments of frequencies made prior to the entry into force of the Supplementary Agreement shall remain valid. The authorities of the force shall notify the German authorities of frequencies no longer required. If, by reason of international obligations, international relations, or essential German interests, the German authorities deem it necessary to change or withdraw a frequency assignment, they shall, before doing so, consult the authorities of the force.

(b) The procedure for the assignment of frequencies, for changes or withdrawals of frequencies already assigned and for an accelerated assignment of frequencies for temporary use in manoeuvres shall be laid down by special agreement between the German authorities and the authorities of a force. Such agreement shall be in accordance with relevant NATO procedures, directives and recommendations.

(c) Measures for the protection of frequencies through the competent NATO authority shall be initiated by the force concerned. Measures for the protection of frequencies through other international organizations, especially through the International Telecommunications Union (ITU), shall be initiated by the German authorities only at the request of the authorities of the force concerned.

(d) Information on frequencies used by a force shall be transmitted to other agencies and organizations only with the consent of the authorities of the force.

(e) Where radio stations of a force cause harmful interference to radio stations located outside the Federal territory, or suffer harmful interference from such stations, the German authorities shall proceed in accordance with the International Telecommunication Convention in force at the time and its pertinent Radio Regulations, except where special agreements have been concluded with the sending State operating the radio stations concerned in the Federal territory.

(f) A force shall be bound by the provisions contained in Appendices 3 and 4 of the Radio Regulations of Atlantic City 1947<sup>1</sup> or by such provisions as may replace them only insofar as this can reasonably be expected in the fulfilment of its defence responsibilities.

6. (a) In addition to the international instruments referred to in paragraph 8 of Article 60, a force shall observe equally the provisions of the following international instruments which the Federal Republic while not a party thereto applies in its territory:

(i) European Regional Convention for the Maritime Mobile Radio Service, Copenhagen, 1948;

<sup>1</sup> TIAS 1901; 63 Stat. 1981, 1991. For Radio Regulations signed at Geneva Dec. 21, 1959, and partially revised Nov. 3, 1967, see TIAS 4893, 6590; 12 UST 2377, 19 UST 6717.

(ii) Frequency Allocation Plan for the Aeronautical Mobile Service and Final Act, Geneva, 1948/49;

(iii) Final Acts of the Extraordinary Administrative Radio Conference, Geneva, 1951; [2]

(iv) Special Arrangements Concerning Radio Beacons in the European Zone of Region I, Paris, 1952.

(b) Subject to prior agreement between a force and the German authorities the force shall also observe the provisions of any other new international instruments in the field of telecommunications to which the Federal Republic is not a party, to the extent that the Federal Republic applies such provisions in its territory. Except for compelling military reasons the force shall not object to the application of the provisions of instruments of this kind.

(c) The German authorities shall give due consideration to the requirements of a force insofar as the Federal Republic applies in its own territory international instruments in the field of telecommunications to which it is not a party.

(d) Sub-paragraphs (a) to (c) of this paragraph shall, however, apply on the understanding that a force is not bound by the provisions of the instruments referred to therein to the extent that the German Armed Forces are exempt from them under domestic German regulations.

#### Re Article 63

1. The arrangements set forth in Article 63 shall not exclude the possibility of agreements being concluded on financial matters during discussions or negotiations which are envisaged in the Supplementary Agreement or in the NATO Status of Forces Agreement and in which financial matters play a part.

2. Property and services used by or rendered to a force or to a civilian component without charge in accordance with paragraphs 2 and 3 and sub-paragraphs (a) and (b) of paragraph 4 of Article 63 may be officially made available by the force or by the civilian components to the dependents of the members of the force or of the civilian component in the same way as they may be officially made available to such members themselves.

3. Services rendered by the German Armed Forces in the meteorological, topographical, and cartographical fields shall be reserved to special arrangements.

4. Property legally owned by the Federation or by a Land (*rechtlich im Eigentum des Bundes oder eines Landes stehend*) shall not be deemed to include property owned by other juristic persons even though their shares are held by the Federation or by a Land.

5. The Federal Republic is prepared to ensure under special agreements to be concluded in individual cases that certain property owned by juristic persons whose shares are held by the Federation or by a Land shall be made available to a force or to a civilian component for use without any obligation on their part to pay rental therefor.

6. Property within the meaning of sub-paragraphs (a) and (b) of paragraph 4 of Article 63 may be transferred by a force or a civilian component to another force or another civilian component only with the consent of the German authorities.

<sup>2</sup> TIAS 2753; 3 UST (pt. 4) 5520.

7. (a) If it is so agreed between the German authorities and the authorities of a force, payment shall be made for the use of property acquired by the Federation after the entry into force of the Supplementary Agreement for purposes other than defence.

(b) If it is so agreed between the German authorities and the authorities of a force, the sending State shall not be relieved from liability for any possible claims which may be due to a Land under German law in respect of the use of property acquired by the Land after the entry into force of the Supplementary Agreement for purposes other than defence.

8. Other operating costs within the meaning of sub-paragraph (d) of paragraph 4 of Article 63 also include the following:

(a) the cost of

(i) cleaning and strewing roads, pavements, and access ways;

(ii) sewage and garbage disposal;

(iii) drainage;

(iv) chimney sweeping;

(v) compulsory insurance against fire and other damage to property;

insofar as there is obligation under German law to meet such cost;

(b) where applicable, the cost of

(i) supply of electricity, gas, water, heat, and fuel, whether made available together with the property or separately obtained direct from the appropriate public supply services;

(ii) operation of lifts;

(iii) cleaning and disinfection;

(iv) upkeep of gardens;

(v) employment of caretaker.

9. In view of the fact that payment by a force of current public charges on property and of other operating costs may in some cases involve direct payment to the supplier of the services concerned (some of which services are separately payable under German law and are not covered, or are not fully covered by the current public charges on property) and in other cases reimbursement to the Federal Republic, arrangements shall to the extent necessary be made to make sure that there is no duplication of payment for the same service.

10. The arrangement set forth in sub-paragraph (d) of paragraph 4 of Article 63 and in paragraph 8 of this Section shall not exclude negotiations between the authorities of the force and the local German authorities with a view to obtaining exemption from fees where such services are performed by the force itself instead of by the competent German agencies.

11. As far as accommodation is concerned, the expression "cost of repairs and maintenance" contained in item (i) of sub-paragraph (d) of paragraph 4 of Article 63 shall mean costs arising from the repair and maintenance work referred to in paragraph 4 of Article 48 and in paragraph 6 of the Section of the Protocol of Signature referring to that Article.

12. Compensation payable under the Land Procurement Law (item (i) of sub-paragraph (a) of paragraph 5 of Article 63) includes the payments to be made in the case of procurement by free negotiation, in particular, the purchase price and rental.

## Re Article 68

1. (a) If a new German tax, which is created after the entry into force of the Supplementary Agreement and which is not merely an extension of an existing German tax, is applicable to members of a force or of a civilian component or to dependents under the provisions of the NATO Status of Forces Agreement and the Supplementary Agreement and is directly payable by them in accordance with German tax legislation, the Federal Government shall, upon request, carefully examine whether and to what extent such tax is to be paid by such persons. In this, the Federal Government shall, in particular, be guided by the endeavour to avoid any burdens on members of a force or of a civilian component or on dependents that appear unjustified in the light of the purpose and the special conditions of their presence in the Federal Republic.
  - (b) The same procedure shall apply if any tax existing at the time of the entry into force of the Supplementary Agreement but not contained in the list set forth in paragraph 2 of this Section is applicable to members of a force or of a civilian component or to dependents under the provision of the NATO Status of Forces Agreement and the Supplementary Agreement and is directly payable by them in accordance with German tax legislation.
  - (c) The list set forth in paragraph 2 of this Section specifies existing Federal and Land taxes and all other taxes known to the Federal Government at the time of the entry into force of the Supplementary Agreement that are applicable to members of a force or of a civilian component or to dependents under the provisions of the NATO Status of Forces Agreement and the Supplementary Agreement and are directly payable by them in accordance with German tax legislation. In general, the list does not include the indirect taxes which might be reflected in the price of goods and services and from which members of a force or of a civilian component or dependents are not exempted. The explanations accompanying some of the taxes contained in the list summarize the circumstances under which these taxes are applicable.
  - (d) Tax relief for members of the German Armed Forces and their dependents does not exist under present German law and such relief is not envisaged for the future. Should such tax relief, however, be granted, the Federal Government shall endeavour to extend its application to members of the forces and of the civilian components and to dependents.
2. List of German Taxes
  - (a) Taxes on Income  
Einkommensteuer, Lohnsteuer, Kapitalertragsteuer, Aufsichtsratssteuer, Steuerabzug von Einkünften bei beschränkt Steuerpflichtigen.  
Tax is imposed only on internal income, i.e., in general, income earned within the Federal Republic, except emoluments and income paid to members of a force or of a civilian component by the sending State in their capacity as such members.
  - (b) Taxes on Property or on Ownership of Property  
Vermögensteuer, Grundsteuer, Rentenbankgrundschuldzinsen, Kirchensteuer.

Tax is imposed only with respect to internal property, i.e., in general, property within the Federal Republic, except movable property which is in the Federal Republic for no reason other than that the member of a force or of a civilian component or the dependent is temporarily present in the Federal Republic.

(c) Tax on Inheritance and Gifts

Erbschaftsteuer.

Tax is imposed only on internal property (within the meaning of sub-paragraph (b) of this paragraph), except movable property which is in the Federal Republic for no reason other than that the member of a force or of a civilian component or the dependent is temporarily present in the Federal Republic, or on the usufruct value of such property acquired by way of inheritance or gift. If the deceased at the time of his death, or the donor at the time the gift was made, had their domicile or habitual residence (within the meaning of the tax laws) in the Federal Republic, the tax will be assessed on the basis of the total value of the inheritance or gift.

(d) Transfer and Traffic Taxes

Kapitalverkehrsteuern, Wechselsteuer, Beförderungsteuer, Versicherungsteuer, Grunderwerbsteuer (und Überpreis), Wertzuwachssteuer, Kraftfahrzeugsteuer.

As regards insurance tax, those insurers and authorized representatives shall be deemed to be inland insurers and authorized inland representatives within the meaning of paragraph 2 of Article 68 who have their domicile or seat or head office in the Federal territory.

The vehicle tax for private passenger vehicles shall only be levied on motor vehicles bearing German registration numbers.

(e) Levies within the scope of "Equalization of Burdens" Lastenausgleichsabgaben.

(f) Taxes on Hunting, Shooting and Fishing

Jagdsteuer, Fischsteuer.

(g) Business Taxes

Gewerbesteuer, Umsatzsteuer, Schankerlaubnissteuer, Getränkesteuer, and other taxes which may be applicable to enterprises.

The taxes are imposed where members of a force or of a civilian component, outside their activities as members of a force or of a civilian component, act as enterprisers within the Federal territory. The concept of "enterpriser" (Unternehmer) covers the independent exercise of commercial or professional activities, i.e., any continuous activity designed to realize proceeds (Einnahmen), even if the intention to gain profit is absent. The concept of "turnover" (Umsatz) covers internal deliveries and services rendered within the Federal territory by an enterpriser against remuneration within the framework of his enterprise.

## Re Article 71

1. Unless otherwise agreed with the German authorities, the total number of civilian employees within the meaning of Article 56 of the

Supplementary Agreement, who, on the entry into force of that Agreement, are permanently employed in sales agencies and clubs serving a force, may not be increased by more than 25 per cent.

2. Non-German non-commercial organizations within the meaning of paragraph 1 of Article 71:

(a) British organizations:

- (i) Navy, Army and Air Force Institutes (N.A.A.F.I.)
- (ii) Malcolm Clubs
- (iii) Council for Voluntary Welfare Work (C.V.W.W.)  
represented by Young Men's Christian Association (Y.M.C.A.)
- (iv) Army Kinema Corporation
- (v) R.A.F. Cinema Corporation

(b) Canadian organizations:

Maple Leaf Services

3. Non-German non-commercial organizations within the meaning of paragraph 2 of Article 71:

(a) American organizations:

(i) American Red Cross

Purpose:

Welfare and other assistance services for members of the force or of the civilian component and dependents

(ii) University of Maryland

Purpose:

University courses for members of the force or of the civilian component and dependents

(b) British organizations:

(i) The organizations attached to the Council for Voluntary Welfare Work (C.V.W.W.):

(aa) Church Army

(bb) The Church of Scotland Committee on Hut and Canteen Work for H.M. Forces.

(cc) Catholic Women's League

(dd) British Salvation Army

(ee) Young Men's Christian Association (Y.M.C.A.)

(ff) Young Women's Christian Association (Y.W.C.A.)

(gg) Toc H

(hh) Methodist and United Board Churches

Purpose:

Social and religious welfare services for members of the force or of the civilian component and dependents, in particular operation of canteens, book shops, libraries and reading rooms

(ii) Women's Voluntary Services (W.V.S.)

Purpose:

Social welfare services for members of the force or of the civilian component and dependents in N.A.A.F.I. canteens

(iii) British Red Cross Society, including the Order of the Knights of St. John and the St. Andrew's Ambulance Association

Purpose:

Welfare and physiotherapy services in British Service Hospitals

- (iv) Forces Help Society and Lord Roberts' Workshops.  
Purpose:  
Welfare services for members of the force, in particular in connection with personal problems of members of the force
- (v) Soldiers' and Airmen's Scripture Readers Association  
Purpose:  
Propagation of study of the Bible among members of the force or of the civilian component and dependents
- (vi) Soldiers', Sailors' and Airmen's Families Association  
Purpose:  
Family welfare and nursing service for members of the force and of the civilian component
- (c) French organizations:
  - (c) French organizations:
    - (i) Association d'entr'aide (First Aid Association)  
Purpose:  
Medical and social services for members of the force or of the civilian component and dependents, and particularly, as far as the Croix Rouge Francaise (French Red Cross) is concerned, administration of sanatoria and of social assistance medical centres
    - (ii) Associations Sportives et Culturelles  
Purpose:  
Promotion of communal outdoor cultural activities and outdoor sports among members of the force or of the civilian component and dependents; establishment of closer contact between teachers and parents of pupils; organization of private classes and kindergartens
    - (iii) Associations d'Officiers et de sous-Officiers de réserve  
Purpose:  
Establishment of contracts between officers and NCOs of the reserve stationed in the Federal territory as members of the civilian component or dependents
    - (iv) Associations d'Anciens Combattants et Victimes de la Guerre  
Purpose:  
Social and material support to members of the force or of the civilian component and dependents who are ex-servicemen or war victims and maintenance of close contact amongst them
- (d) Belgian organizations:
  - (i) Cantine Militaire Centrale (C.M.C.)  
Purpose:  
Operation of canteens and sales stores for the benefit of the force, of members of the force or of the civilian component and dependents
  - (ii) Associations sportives, culturelles et d'entr'aide sociale  
Purpose:  
Promotion of sports, establishment of closer contact between teachers and parents of pupils, organization of private classes and kindergartens, organization of

libraries, mutual social assistance, for the benefit of members of the force or of the civilian component and dependents

(e) Canadian organizations:

Canadian Salvation Army

Purpose:

Social and religious welfare services for members of the force or of the civilian component and dependents, in particular operation of canteens

4. Vehicles operated by non-German non-commercial organizations listed in paragraphs 2 and 3 of this Section shall be considered to be "service vehicles" within the meaning of sub-paragraph (c) of paragraph 2 and paragraph 11 of Article XI and paragraph 4 of Article XIII of the NATO Status of Forces Agreement.

5. The German regulations mentioned in paragraph 3 of Article 71 include those relating to foreign companies, trade licensing, price control and shop closing hours.

Re Article 72

1. Non-German commercial enterprises within the meaning of paragraph 1 of Article 72.

(a) American Enterprises

(i) American Express Co., Inc.

(ii) Chase Manhattan Bank (Heidelberg)

(b) Canadian Enterprises:

Bank of Montreal

2. The banks listed in paragraph 1 of this Section shall not conduct activities which might influence the German market; in particular they shall not participate in the German stock market.

The present Protocol of Signature shall constitute an integral part of the Supplementary Agreement.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Protocol.

DONE at Bonn, this third day of August 1959, in the German, English and French languages, all texts being equally authentic.

For the Kingdom of Belgium:

BARON DE GRUBEN

For Canada:

ESCOTT REID

For the French Republic:

FRANÇOIS SEYDOUX

For the Federal Republic of Germany:

A. H. VAN SCHERPENBERG

For the Kingdom of the Netherlands:

H. VAN VREDENBURCH

For the United Kingdom of Great Britain and Northern Ireland:

CHRISTOPHER STEEL

For the United States of America:

DAVID BRUCE

**Agreement To Implement Paragraph 5 of Article 45 of the Agreement To Supplement the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces With Respect to Foreign Forces Stationed in the Federal Republic of Germany**

For the purpose of implementing paragraph 5 of Article 45 of the Agreement to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959 (hereinafter referred to as the "Supplementary Agreement")

THE KINGDOM OF BELGIUM,  
CANADA,  
THE FRENCH REPUBLIC,  
THE FEDERAL REPUBLIC OF GERMANY,  
THE KINGDOM OF THE NETHERLANDS,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and  
THE UNITED STATES OF AMERICA,  
HAVE AGREED AS FOLLOWS:

ARTICLE 1

The authorities of a force shall notify the Federal Minister of Defence of their annual programmes of manoeuvres and other training exercises in which units with the minimum strength of a brigade group or regimental combat team or equivalent formation will be taking part. The time of such notification shall be agreed upon with each individual force.

ARTICLE 2

Plans for the conduct of manoeuvres and other training exercises (sub-paragraph (b) of paragraph 5 of Article 45 of the Supplementary Agreement) shall be communicated to:

(a) the authorities of the Land and the Military District Administration (Wehrbereichsverwaltung) simultaneously in cases in which the manoeuvres or other training exercises are to be held in one Military District exclusively or, if two or more Military Districts are affected, units not exceeding battalion strength are to take part;

(b) the Federal Minister of Defence in cases in which the manoeuvres or other training exercises are to be conducted in two or more Military Districts and in which units exceeding battalion strength are to take part.

ARTICLE 3

1. In cases falling under sub-paragraph (a) of Article 2 of the present Agreement, the periods of time specified in the Annex to the present Agreement shall apply for the communication of plans to the German authorities and for the latter to state their final opinion.

2. In cases falling under sub-paragraph (b) of Article 2 of the present Agreement, the periods of time for the communication of plans stated in items 2 and 3 of the Annex to the present Agreement shall in each case be extended by two weeks.

3. The German authorities shall inform the authorities of a force as early as possible of any objections to the plan. The joint discussions envisaged in paragraph 5 of Article 45 of the Supplementary Agreement shall be so expedited by the German authorities and the authorities of the force as to ensure that if possible, and if necessary at a higher level, agreement is reached within the period of time specified in the Annex to the present Agreement for the final opinion of the German authorities.

## ARTICLE 4

In particular, plans shall contain the following data:

- (a) designation (code name, nickname) and type of manoeuvre or other training exercise;
- (b) time and date of the beginning and end of the manoeuvre or other training exercise, of assembly and departure, and of the preparatory measures;
- (c) designation of the area in which the manoeuvre or other training exercise is to be conducted (to be accompanied by maps or sketch-maps on a suitable scale);
- (d) approximate information about
  - (i) the total strength of the units engaging in the exercise,
  - (ii) the total number of wheeled and tracked vehicles,
  - (iii) the number of wheeled and tracked vehicles classified in or above Class 24 in Standardization Agreement 2021 (second edition),
  - (iv) the areas and roads where vehicles are principally to be engaged.
  - (v) number, type, engagement area and flight altitude of aircraft to be engaged, if any,
  - (vi) off-base landings or parachute jumps or drops proposed, if any, and where such exercises are probably to take place;
- (e) information as to whether and if so, to what extent earth-works are envisaged and whether camouflage material will be required;
- (f) information regarding any special arrangements desired (e. g. for the closing of public ways or stretches of water);
- (g) information as to whether and if so, to what extent billets will require to be supplied.

## ARTICLE 5

In the case of manoeuvres and other training exercises conducted by a force with other forces or with the German Armed Forces, the authorities of the force in command of the manoeuvre or other training exercise shall communicate the plans to the German authorities competent under Article 2 of the present Agreement.

## ARTICLE 6

Notwithstanding the provisions of Articles 2 and 3 of the present Agreement, agreements may be concluded between the German authorities and the authorities of a force providing in the case of specific areas and specific categories of training exercises for a combined

notification covering a specific period of time instead of individual notifications. Such agreements shall contain particulars as to how and to what extent exercises are to be conducted in such areas and the time limits within which the combined notification shall be made, as well as any other arrangements required.

## ARTICLE 7

The present Agreement may be amended or supplemented by agreement between the Federal Government and the Government of a sending State. Such amendment or supplement shall not affect the provisions of the present Agreement as regards relations between the Federal Republic and the other sending States.

## ARTICLE 8

The present Agreement shall be ratified or approved. The instruments of ratification or of approval shall be deposited by the signatory States with the Government of the United States of America <sup>[1]</sup> which shall notify each signatory State of the date on which the instruments are deposited.

## ARTICLE 9

The present Agreement, which shall enter into force on the same date as the Supplementary Agreement,<sup>[2]</sup> shall be deposited in the Archives of the Government of the United States of America, which shall transmit certified copies thereof to each signatory State.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Agreement.

DONE at Bonn, this third day of August 1959, in the German, English and French languages, all texts being equally authentic.

For the Kingdom of Belgium:

BARON DE GRUBEN

For Canada:

ESCOTT REID

For the French Republic:

FRANÇOIS SEYDOUX

For the Federal Republic of Germany:

A. H. VAN SCHERPENBERG

For the Kingdom of the Netherlands:

H. VAN VREDENBURCH

For the United Kingdom of Great Britain and Northern Ireland:

CHRISTOPHER STEEL

For the United States of America:

DAVID BRUCE

<sup>1</sup> See footnotes, *ante*, p. 323, which also apply to this agreement.

<sup>2</sup> July 1, 1963.

ANNEX  
to Article 3

Type of Exercise	Minimum period before exercise begins	
	for communication of plans to the German authorities	for final opinion by German authorities
1. Exercises involving units up to battalion strength.....	4 weeks.....	2 weeks.
2. Exercises involving units in excess of battalion strength and up to brigade group, regimental combat team or any forma- tion of equivalent strength.....	6 weeks.....	2 weeks.
3. Exercises involving units in excess of brigade group, regimental combat team or any formation of equivalent strength.....	14 weeks.....	6 weeks.

**Administrative Agreement to Article 60 of the Agreement To Supplement the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces With Respect to Foreign Forces Stationed in the Federal Republic of Germany**

For the purpose of implementing Article 60 of the Agreement to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959 (hereinafter referred to as the Supplementary Agreement), the Governments of

THE KINGDOM OF BELGIUM,  
CANADA,  
THE FRENCH REPUBLIC,  
THE FEDERAL REPUBLIC OF GERMANY,  
THE KINGDOM OF THE NETHERLANDS,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and  
THE UNITED STATES OF AMERICA,  
HAVE AGREED AS FOLLOWS:

ARTICLE 1

Applications for Service

1. Applications for telecommunication services shall be made to the competent agency of the German Federal Post by the authorities of a force designated for that purpose.
2. (a) Applications shall be submitted in writing.  
(b) In the event of urgent necessity applications may, in exceptional cases, be made by telephone, teleprinter, or telegraph. Such applications shall be followed by written confirmation within forty-eight hours.
3. Applications for telecommunication lines, except for local-area tie lines and local-area private branch extensions (hereinafter referred to as PBX extension lines), shall be made pursuant to NALLA procedure. Deviations from this procedure may be agreed between a force and the Federal Ministry of Posts and Telecommunications.

## ARTICLE 2

## Provision of Service

1. Insofar as it is technically possible, the German Federal Post shall fulfill applications for telephone main stations, teleprinter main stations, PBX extension stations and circuits of all kinds within seven days.

2. In the event of urgent necessity, authorities of a force, specially designated for that purpose, may apply for priority installation of the telecommunication facilities listed in paragraph 1 of this Article. The German Federal Post shall normally fulfill such applications within a period of forty-eight hours.

## ARTICLE 3

## Out-of-area Main Stations and Out-of-area PBX Extension Stations

1. In cases of compelling military reasons, applications may be made for out-of-area PBX extension stations over an airline distance in excess of twenty-five kilometers and for out-of-area main stations. Such applications shall be made only by high military headquarters of a force.

2. The execution of such services shall be governed by Article 2 of the present Agreement.

## ARTICLE 4

## Leasing of Telecommunication Lines

1. For local-area PBX extension lines leased to the United States, British, and French Forces, and the Royal Canadian Air Force, flat rates calculated on the basis of the average length of the circuits provided for each of such forces shall apply. The flat rate applicable to the British force shall apply to the Canadian brigade.

2. The charges for detour routing, if such routing be requested by a force shall be based on the airline distances between the starting point, the points of detour and the end point of the route.

3. Both between the several forces and between them and the German Armed Forces PBXs may be interconnected by local-area and out-of-area tie lines. Such interconnections shall be limited to the indispensable minimum, and shall in each specific case require an agreement between representatives of the Commanders of the forces concerned, who have been designated for that purpose, and the Federal Ministry of Posts and Telecommunications.

4. A substitute line shall be made available if possible, whenever it becomes evident that an interruption of service will last longer than six hours.

5. Where no substitute line has been made available in the case of out-of-area telephone and teleprinter tie lines and of out-of-area PBX extension lines exceeding twenty-five kilometres, paid for in accordance with the internal German tariffs, one thirtieth of the monthly charge shall be reimbursed for each calendar day during which the line is continuously interrupted for more than twelve hours. Such interruption shall be deemed to have commenced when the appropriate agency of the German Federal Post received notification thereof.

6. Wherever CCITT rates apply to the use of international lines, reimbursement for interruptions in such lines shall be calculated in accordance with CCITT recommendations.

7. Internal German leased telephone circuits may be used alternatively or simultaneously for speech, the transmission of photos or facsimiles, or the transmission of telegraphic signals by means of single channel equipment. No additional charge shall be made therefor.

8. (a) The German Federal Post shall lease to a force basic circuits for voice frequency carrier telegraphy for multi-channel operation with voice frequency carrier telegraphy equipment or with transmission equipment for mechanical reporting.

(b) The charge for such basic circuit shall be one and a half times the charge for a telephone line, irrespective of the number of channels used.

9. (a) The force shall procure and maintain the terminal equipment used for the purposes set forth in paragraphs 7 and 8 of this Article and shall undertake to eliminate any interference from such equipment.

(b) Specimens of such terminal equipment shall prior to being taken into use be made available to the German Federal Post for tests. Such terminal equipment components as are subject to military security classification shall only be subject to test for their effect upon the public network. The German Federal Post shall in any case be notified prior to the connection of such terminal equipment to leased lines except where such action is impracticable in the event of manoeuvres or other training exercises for equipment serving the purposes set forth in paragraph 7 of this Article.

(c) Terminal equipment utilised for the purposes set forth in paragraphs 7 and 8 of this Article shall not be located within German Federal Post premises. Deviations herefrom may be agreed to for manoeuvres and other training exercises.

#### ARTICLE 5

#### PBXs

1. Deviations from German regulations in the case of existing PBXs shall be permissible where they do not adversely affect the public network.

2. Existing PBXs which permit through-dialling to extension stations but which are not equipped with answering position and transfer facilities may continue to be operated in this condition. New PBXs of this type shall be installed only in exceptional cases.

3. (a) An additional monthly charge shall be payable for each incoming or alternately operated exchange line in the case of the PBXs referred to under paragraph 2 of this Article.

(b) The charge shall be payable only after the technical devices for the automatic transfer of trunk calls (automatic rerouting to the PBX switchboard operator in case of busy extensions) within PBXs which permit through-dialling have been provided within the German Federal Post local exchange area used by a force, and after all German PBXs within this local

exchange area which permit through-dialling have been made to conform to the requirements of the German Federal Post.

(c) The charge shall be uniform in all local exchange areas and shall be fixed by mutual agreement.

4. PBXs shall be technically adapted to prevent the interconnection of out-of-area tie-lines with civil exchange lines of the PBXs by automatic dialling. This requirement may be dispensed with in the case of manual PBXs if a force otherwise ensures that such interconnections are made only in urgent official cases and only with telephone subscribers in the local exchange areas in which the PBXs are located.

5. In the case of secondary PBXs of a force, outgoing and up to two incoming or alternately operated exchange lines to the civil telephone exchange in the locality of the secondary PBX in question shall be permissible. It shall be rendered technically impossible to connect such exchange lines to the main PBX.

6. Any desired number of parallel telephone sets may be connected to PBX extension stations not authorized access to exchange lines. In the case of PBX extension stations authorized access to exchange lines, the number of parallel telephone sets for any one PBX extension station should not exceed two. If, in exceptional cases, a force connects more than two parallel telephone sets to a PBX extension station authorized access to exchange lines, it shall be responsible for any interference or operational difficulties resulting therefrom.

#### ARTICLE 6

##### Minimum Period of Lease

1. The minimum period of lease for main stations and lines shall be three months. Notwithstanding this, main stations and lines may in the event of manoeuvres, training exercises, and other similar occasions, be leased for short periods (within the meaning of Section 16 of the Fernsprechordnung of 24 November 1939, Official Gazette of the Reichsminister of Posts and Telecommunications, page 859).

2. The German regulations governing the minimum period of lease shall not apply to existing PBXs owned by the German Federal Post.

#### ARTICLE 7

##### Notice of Termination

1. Leases for main stations may be terminated at the end of any month following the expiry of the minimum period of three months. Notice of such termination must be received by the German Federal Post by the twentieth day of the month concerned.

2. Leases on circuits may, subject to ten days notice in advance, be terminated at any time subsequent to the expiry of the minimum period of three months.

#### ARTICLE 8

##### Accounting Procedures

1. The following deviations from normal German accounting procedures shall apply to telecommunication services rendered to the force:

(a) Bills shall be payable within thirty days.

(b) Written notification of any arrears in payment shall be submitted on the forty-fifth calendar day subsequent to the issuance of bills. Interest shall not be charged on arrears in payment, nor shall services be suspended.

(c) Bills for particular items to which the force takes exception shall be returned immediately to the issuing office together with all pertinent documentation. If agreement concerning the disputed amounts cannot be reached immediately upon the return of the bill, a new and provisional bill excluding the disputed amounts shall be prepared. Efforts will be made to reach agreement concerning the disputed amounts within thirty days. Should the force agree to pay a disputed amount, such amount shall be included in the next regular bill, the force being notified thereof beforehand in writing.

(d) (i) All amounts still disputed at the close of the fiscal year of a force shall at the request of the force concerned be included in the bills for the final calendar month of such fiscal year. The disputed amounts shall be marked as such. Efforts to reach agreement concerning them shall continue. Other charges included in these bills shall be payable within thirty days.

(ii) Disputed amounts omitted through error from the billing at the close of the fiscal year of a force shall be included in subsequent regular billing. The force shall be notified separately in writing thereof, such notification to contain all data necessary for payment in the manner of an invoice.

(e) Bills for line charges calculated at the Fernmeldetechnisches Zentralamt shall be submitted collectively after the twentieth day of each calendar month. Such bills shall include all charges recorded by the Fernmeldetechnisches Zentralamt for the current calendar month up to the date of billing. Charges recorded after the date of billing shall be billed in the subsequent calendar month. Lines installed for manoeuvres and other training exercises shall be billed separately.

2. Other deviations from accounting procedures, concerning a single force, may be agreed upon between the authorities of the force and the Federal Ministry of Posts and Telecommunications.

#### ARTICLE 9

#### Provisions Concerning Tariffs

1. The following deviations from German regulations governing tariffs shall apply to a force:

(a) The charge for the lease of a telephone out-of-area tieline (third sentence of paragraph 1 of Section 7 of the Fernsprechordnung) shall irrespective of length be 1.20 Deutsche Mark monthly per hundred metres.

(b) The charge for the lease of a teleprinter out-of-area tieline (Annex to the Verordnung über Gebühren für Nebentelegraphen und für den Fernschreibdienst of 12 June 1942.

Official Gazette of the Reichsminister of Posts and Telecommunications, II A 4 on page 415) shall irrespective of length be 0.45 Deutsche Mark monthly per hundred metres.

2. The loss-of-call-charge (Gebühr für den Ausfall an Gesprächsgebühren) (Sections 6 and 7 of the Fernsprechordnung) shall not be levied for that portion of a circuit irrespective of length which runs in telecommunication circuits (i.e. all types of cables, open wire and radio circuits) which have been constructed from the national funds of a force or from occupation cost, mandatory expenditures or support cost funds.

3. Paragraph 2 of this Article shall apply *mutatis mutandis* to the one-time contribution to cost for extension lines (Section 6 of the Fernsprechordnung).

#### ARTICLE 10

#### Entry Into Force

The present Agreement shall enter into force on the date of the entry into force of the Supplementary Agreement.<sup>[1]</sup>

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto by their respective Governments have signed the present Agreement.

DONE at Bonn, this third day of August 1959, in the German, English and French languages, all texts being equally authentic in a single copy which shall be deposited in the archives of the Government of the Federal Republic of Germany which shall transmit certified copies thereof to each signatory Government.

For the Kingdom of Belgium:

BARON DE GRUBEN

For Canada:

ESCOTT REID

For the French Republic:

FRANCOIS SEYDOUX

For the Federal Republic of Germany:

A. H. VAN SCHERPENBERG

---

#### Agreement on the Abrogation of the Forces Convention, the Finance Convention and the Tax Agreement

THE UNITED STATES OF AMERICA,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND,  
THE FRENCH REPUBLIC, and  
THE FEDERAL REPUBLIC OF GERMANY,

CONSIDERING that the arrangements referred to in sub-paragraph (b) of paragraph 1 of Article 8 of the Convention on Relations between the Three Powers and the Federal Republic of Germany of 26 May 1952, as amended by the Protocol signed at Bonn on 26 July 1952 and by the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954, have been concluded this day between the States concerned; and

CONSIDERING that in view of the conclusion of these arrangements and of other agreements of a financial nature the conditions laid down

<sup>1</sup> July 1, 1963.

in sub-paragraph (c) of paragraph 1 of Article 8 of the Convention on Relations between the Three Powers and the Federal Republic of Germany are to be considered as fulfilled,

HAVE AGREED AS FOLLOWS:

#### ARTICLE 1

The Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany, as amended by Schedule II to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954, the Agreement on the Tax Treatment of the Forces and their Members, as amended by Schedule V to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954, and the Finance Convention, as amended by Schedule III to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954, shall cease to be effective on the date of the entry into force of the Agreement to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959 (hereinafter referred to as the "Supplementary Agreement"), in accordance with Article 83 of that Agreement.

#### ARTICLE 2

The present Agreement shall be ratified or approved. The instruments of ratification or of approval shall be deposited by the signatory States with the Government of the Federal Republic of Germany which shall notify each signatory State of the date on which the instruments are deposited.

#### ARTICLE 3

The present Agreement, which shall enter into force on the same date as the Supplementary Agreement, [1] shall be deposited in the archives of the Government of the Federal Republic of Germany, which shall transmit certified copies thereof to each signatory State.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Agreement.

DONE at Bonn, this third day of August 1959, in the German, English and French languages, all texts being equally authentic.

For the French Republic: [2]

FRANÇOIS SEYDOUX

For the Federal Republic of Germany: [3]

A. H. VAN SCHERPENBERG

For the United Kingdom of Great Britain and Northern Ireland: [4]

CHRISTOPHER STEEL

For the United States of America: [5]

DAVID BRUCE

<sup>1</sup> July 1, 1963.

<sup>2</sup> Ratification deposited Jan. 24, 1962.

<sup>3</sup> Ratification deposited May 21, 1963.

<sup>4</sup> Ratification deposited July 5, 1962.

<sup>5</sup> Approval deposited Aug. 17, 1961.

**AGREEMENTS AND EXCHANGES OF NOTES ON STATUS OF  
FORCES BETWEEN THE UNITED STATES OF AMERICA AND  
THE FEDERAL REPUBLIC OF GERMANY**

Agreements signed at Bonn August 3, 1959; Approved by the President of the United States of America July 28, 1961; Ratified by the Federal Republic of Germany June 4, 1962; Approvals and ratifications exchanged at Bonn June 13, 1962; Entered into force July 1, 1963.

And exchanges of notes at Bonn/Bad Godesberg dated August 3, 1959.

**Agreement between the Federal Republic of Germany and the United States of America on the Settlement of Disputes Arising out of Direct Procurement**

**THE FEDERAL REPUBLIC OF GERMANY  
and  
THE UNITED STATES OF AMERICA,**

PURSUANT to sub-paragraph (b) of paragraph 6 of Article 44 of the Agreement to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959 (hereinafter referred to as the "Supplementary Agreement"),<sup>[1]</sup>

HAVE AGREED AS FOLLOWS:

**ARTICLE 1**

Disputes arising out of direct procurement of goods or services in the Federal territory by the authorities of the forces of the United States (hereinafter referred to as "the authorities of the forces") shall be settled in accordance with the present Agreement.

**ARTICLE 2**

In the settlement of disputes the German authorities shall at all times make available to the authorities of the forces their good offices, particularly in a mediatory or advisory capacity.

**ARTICLE 3**

Disputes shall be settled in accordance with the provisions specified in the contract signed by the contracting parties. Where the contract contains no provisions to this effect, complaints, except in the case of the German Federal Railways and the German Federal Post for which separate arrangements may be agreed, shall be lodged with the German courts against the Federal Republic which shall conduct the case in

<sup>1</sup> TIAS 5351, 14 UST 531, see p. 266;

its own name in the interest of the United States; paragraphs 2, 4 and 5 of Article 44 of the Supplementary Agreement shall apply *mutatis mutandis*.

## ARTICLE 4

1. Where a dispute arises out of a contract which contains provisions for the settlement thereof, the parties to the contract may request that the dispute be submitted to conciliation pursuant to the provisions of paragraph 2 of this Article. In the event a written decision has been rendered by the contracting officer, the contractor must file a request for conciliation within twenty-one days of the receipt of such decision. However, the contractor shall not be relieved of the necessity to observe the appeal procedure which may be provided in the contract.

2. (a) A Contract Conciliation Commission shall be established composed of two representatives appointed by the Federal Government and two representatives appointed by the authorities of the forces. A fifth member may be appointed by agreement between the Federal Government and the authorities of the forces. Membership in the Commission shall be inadmissible for any person who has been previously concerned with a case or who has a direct interest in it.

(b) The Commission shall seek to bring about amicable settlements of disputes which are submitted to it. It may conduct discussions with the parties to the dispute and consider all pertinent information bearing on its investigation. The Commission may submit recommendations for the settlement of a dispute which shall be given full consideration by the authorities of the forces.

(c) The functions of the Commission shall not prejudice any rights to which the parties involved are entitled under the contract in connection with the settlement of disputes.

(d) Disputes shall be submitted and considered in accordance with procedures to be determined by the Contract Conciliation Commission in cooperation with the German authorities and the authorities of the forces which shall ensure that the Commission is afforded a reasonable period of time to receive and consider requests for conciliation which are submitted to it.

## ARTICLE 5

1. The present Agreement shall be ratified or approved. The instruments of ratification or of approval shall be exchanged at Bonn.<sup>[1]</sup><sup>[2]</sup>

2. The present Agreement shall enter into force on the same date as the Supplementary Agreement.<sup>[3]</sup>

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Agreement.

DONE at Bonn in duplicate, this third day of August 1959, in the German and English languages, each text being equally authentic.

<sup>1</sup> Approved by the President of the United States of America July 28, 1961; ratified by the Federal Republic of Germany June 4, 1962.

<sup>2</sup> Exchanged June 13, 1962.

<sup>3</sup> July 1, 1963.

**Agreement Between the Federal Republic of Germany and the  
United States of America on the Status of Persons on Leave**

THE FEDERAL REPUBLIC OF GERMANY  
and  
THE UNITED STATES OF AMERICA

HAVE AGREED AS FOLLOWS:

ARTICLE 1

With respect to members and civilian employees of the United States Armed Forces, who are stationed in Europe or North Africa and outside the Federal territory and Berlin, and dependents who accompany them,

(a) Articles II, III, VII, VIII, X, XI, XII, XIII, XIV of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June 1951 (hereinafter referred to as the "NATO Status of Forces Agreement") and,<sup>[1]</sup>

(b) Article 2; sub-paragraphs (c) and (d) of paragraph 1 and sub-paragraphs (a) and (c) of paragraph 2 of Article 5; Articles 6, 8, 15, 16, 17, 19, 22 through 25; paragraph 2 of Article 26; paragraph 2 of Article 36; Articles 39, 41, 59, 64, 66, 68, 69, 74 and 75 of the Agreement to supplement the NATO Status of Forces Agreement with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959 (hereinafter referred to as the "Supplementary Agreement")<sup>[2]</sup>

shall apply when such persons are temporarily in the Federal territory on leave, provided they are in possession of documentation identifying their duty station (hereinafter referred to as "persons on leave").

ARTICLE 2

1. Where a person on leave commits an offense against German interests, and provided that the United States military authorities are competent to exercise criminal jurisdiction, they will hold or return the accused for trial before a United States military court in the Federal territory except with respect to offenses of minor importance punishable through the exercise of disciplinary jurisdiction, or except in cases of military exigency.

2. In a case of military exigency the provisions of sub-paragraph (b) of paragraph 1 of Article 26 of the Supplementary Agreement shall apply *mutatis mutandis*.

3. The United States military authorities shall notify the German authorities of the disposition of all cases referred to in this Article.

ARTICLE 3

In order to avoid as far as possible the difficulties of enforcing civil law claims against persons on leave who have left the Federal territory, the United States military authorities will render all assistance in their power to facilitate the satisfaction of such claims.

<sup>1</sup> TIAS 2846; 4 UST 1796 ff, see p. 221.

<sup>2</sup> TIAS 5351; 14 UST 531, see p. 266.

## ARTICLE 4

The requirements of the American force for accomodation shall not be increased by reason of the presence of persons on leave.

## ARTICLE 5

1. The present Agreement shall be ratified or approved. The instruments of ratification or of approval shall be exchanged at Bonn.<sup>[1]</sup> <sup>[2]</sup>

2. The present Agreement shall enter into force <sup>[3]</sup> on the same date as the Supplementary Agreement.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Agreement.

DONE at Bonn in duplicate, this third day of August 1959, in the German and English languages, each text being equally authentic.

---

**Notes Exchanged Between the United States of America and the Federal Republic of Germany on August 3, 1959**

**1. TAXES AND CUSTOMS**

(Verbalnote No. 40)

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi—US/1) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows:

“The Federal Ministry for Foreign Affairs has the honor to refer to Articles 3 (paragraph 6), 65, 66, and 67 of the Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the ‘Supplementary Agreement’).

“In the negotiations which were conducted in connection with these Articles, agreement has been reached with respect to the following Implementing Agreements annexed to this Note:

“1. Agreement on the Implementation of the Customs and Taxation Provisions of the Supplementary Agreement to the NATO Status of Forces Agreement in Favor of a Force and a Civilian Component (Article 65 and Article 67 of the Supplementary Agreement);

“2. Agreement on the Implementation of the Customs and Consumer Tax Provisions of the Supplementary Agreement to the NATO Status of Forces Agreement in Favor of Members of a Force, of a Civilian Component and Dependents (Article 66 and paragraph 6 of Article 3 of the Supplementary Agreement).

“With one exception, forms have not been attached to these Agreements, since those forms already in use will be continued.

“These Implementing Agreements shall enter into force on the same date as the Supplementary Agreement and shall be subject to review without delay upon the request of a Party thereto.

<sup>1</sup> Approved by the President of the United States of America July 28, 1961; ratified by the Federal Republic of Germany June 4, 1962.

<sup>2</sup> Exchanged June 13, 1962.

<sup>3</sup> July 1, 1963.

"The Federal Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that the Federal Minister of Finance agrees with the Implementing Agreements annexed hereto as well as with the understandings contained in this Note. The Federal Ministry for Foreign Affairs would be grateful if the Embassy would inform the Ministry whether the Forces of the United States of America are also in agreement.

"The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration."

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the Forces of the United States of America are in agreement with the contents of that Note.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W R T

Enclosures:

Annexes 1 and 2 to the Note Verbale of the Federal Ministry for Foreign Affairs of August 3, 1959 (GS/Bi—US/1.)  
Embassy of the United States of America,  
Bonn/Bad Godesberg, August 3, 1959.

**Annex 1 to the Note Verbale of the Federal Ministry for Foreign Affairs of August 3, 1959 GS/Bi—US/1**

**AGREEMENT ON THE IMPLEMENTATION OF THE CUSTOMS AND TAXATION PROVISIONS OF THE SUPPLEMENTARY AGREEMENT TO THE NATO STATUS OF FORCES AGREEMENT IN FAVOR OF A FORCE AND A CIVILIAN COMPONENT (ARTICLE 65 AND ARTICLE 67 OF THE SUPPLEMENTARY AGREEMENT)**

*I. Import, Export and Transit*

**1. OFFICIAL CERTIFICATE**

(a) The official certificate required under paragraph 4 of Article XI of the NATO Status of Forces Agreement to be submitted to the German customs authorities for goods imported for the force and the civilian component shall be in accordance with the form at Annex 1. These forms shall also be used for the export and transit of goods of the force and the civilian component pursuant to paragraph 13 of Article XI of the NATO Status of Forces Agreement.

(b) In each case two copies of the official certificate shall be submitted to the competent German customs authorities. The German customs offices shall, upon request, stamp any additional copies of the official certificate of the force or of the civilian component.

**2. IMPORT PROCEDURE**

(a) The customs office of entry shall, in general, allow goods to be forwarded direct to the agency of the force or the civilian component authorized to receive them under the simplified customs procedure

provided for by German customs legislation. The official certificate shall, in that case, serve as a customs document during transportation. The customs office of entry shall certify clearance on all copies of the official certificate and retain one copy. The person in charge of the goods shall hand over the remaining copies of the official certificate together with the goods to the agency of the force or of the civilian component authorized to receive the goods. This agency shall certify receipt of the goods on one copy of the certificate and return it to the customs office of entry without delay.

(b) Clearance under the simplified customs procedure may be refused by the customs office of entry if

(i) the official certificate or the number of copies of the official certificate necessary for the German customs administration are not presented;

(ii) the official certificate has not been properly completed;

(iii) the consignee is neither an agency of the force nor an organization listed in the Protocol of Signature to the Supplementary Agreement but an organization whose status cannot be established without further investigation;

(iv) the person in charge of the goods appears to be unreliable from a customs and taxation point of view;

(v) the goods are by their nature subject to especially heavy taxes or peculiarly the object of illicit trading. Clearance under the simplified customs procedure shall not be refused, however, if the goods are carried in official vehicles of the force or of the civilian component and are accompanied by specially designated personnel of the force or of the civilian component;

(vi) owing to the nature of loading or anticipated blocking of traffic at the frontier, inspections of consignments can be effected only under difficulties, or if the force or the civilian component requests such inspections to be effected at or near the place of destination.

Goods for which clearance under the simplified customs procedure is refused by the customs office of entry, shall be cleared under the "Zollanweisungsverfahren" (procedure for dispatch of goods from one customs office to another under cover of a bond) in accordance with the normal German customs provisions and the provisions of paragraph 5 below. In such cases the customs office of entry shall issue a "Zollbegleitschein" (bond note). The original of the "Zollbegleitschein" (bond note) together with all copies of the official certificate shall be given to the "Zollbeteiligter" (possessor of the goods) (i.e., in general, the person in charge of the goods). The "Zollbeteiligter" (possessor of the goods) shall present the goods within the prescribed time limit to the customs office of destination stated in the "Zollbegleitschein" (bond note). The "Zollbegleitschein" (bond note) and all copies of the official certificate shall be presented by him to that customs office.

The customs office of destination shall, upon verification of proper import, release the goods to the agency of the force or of the civilian component authorized to receive them. The agency of the force or of the civilian component authorized to receive the goods shall confirm receipt of them on one copy of the official certificate and shall forward it without delay to the customs office of destination.

## 3. TRANSIT PROCEDURE

(a) The customs office of entry shall, in general, permit direct transportation of the goods, under the simplified customs procedure provided for in German customs legislation, to the German customs office of exit. At the customs office of entry, the procedure outlined in sub-paragraph (a) of paragraph 2 above shall apply *mutatis mutandis*. The customs office of exit shall certify the exportation of the goods on the copy of the official certificate presented to it and return the copy to the customs office of entry.

(b) In cases mentioned in sub-paragraph (b) of paragraph 2 above the customs office of entry may refuse clearance under the simplified customs procedure. In that event the procedure provided for in the second paragraph of sub-paragraph (b) of paragraph 2 above shall apply.

At the request of the person in charge of the goods, the German customs offices shall certify the entry and exit of the goods on any further copies of the official certificate presented to them.

## 4. EXPORT PROCEDURE

In the case of export the German customs office of exit shall, after presentation of the goods, certify the exportation and retain one copy of the official certificate.

## 5. GUARANTEE

A guarantee, as and where provided for by German customs provisions, may be required up to the amount of the applicable import duties for goods cleared for importation or transit in accordance with paragraphs 2 and 3 above. A guarantee shall not be required, however, in respect of goods carried in official vehicles of the force or of the civilian component and accompanied by specially designated personnel of the force or of the civilian component.

*II. Customs Control*

## A. CONSIGNMENTS OF THE FORCE NOT SUBJECT TO SPECIAL SECURITY REGULATIONS WITHIN THE SCOPE OF SUB-PARAGRAPH (C) OF PARAGRAPH 5 OF ARTICLE 65 OF THE SUPPLEMENTARY AGREEMENT

1. Customs control of such consignments shall be effected in compliance with sub-paragraphs (a) and (b) of paragraph 5 of Article 65 of the Supplementary Agreement. Pursuant to paragraph 4 of Article 65 of the Supplementary Agreement, the German customs authorities shall ensure that the exercise of customs control will not result in undue delays. Spot checks as provided for in item (i) of sub-paragraph (b) of paragraph 5 of Article 65 of the Supplementary Agreement shall only be effected to the extent necessary for the prevention of customs contraventions.

The authorities of the force shall instruct their personnel and the persons in charge of the goods to assist the German customs authorities in the exercise of their control in every way.

2. Irregularities discovered by the German customs authorities as a result of such control shall be communicated without delay to the liaison personnel of the force.

3. In case of intended inspections of the contents of closed packages or of goods compartments of vehicles sealed with an official seal of the authorities of the force or the military authorities of the sending State, the customs office, upon detention of such consignments or vehicles, shall inform the liaison personnel of such detention and request their presence during the intended inspection. The liaison personnel shall without delay inform the customs office of their desire to participate in the inspection or to decline such participation.

B. CONSIGNMENTS OF THE FORCE SUBJECT TO SPECIAL SECURITY REGULATIONS WITHIN THE SCOPE OF SUBPARAGRAPH (C) OF PARAGRAPH 5 OF ARTICLE 65 OF THE SUPPLEMENTARY AGREEMENT

1. Consignments containing military equipment to which special security regulations apply shall not be subject to inspection by the German customs authorities if accompanied by a special certificate issued by the authorities of the force. Such certificate shall be signed by a senior officer. The customs office effecting clearance shall retain one copy of the special certificate.

2. Where there are special grounds for suspicion the German customs office may detain such consignments for inspection by specially designated personnel of the force. The customs office shall without delay notify such detention to the liaison personnel or the agency concerned of the force. The consignment shall either be released to the force at the place of detention or shall be forwarded under the "Zollanweisungsverfahren" (procedure for the dispatch of goods from one customs office to another under cover of a bond) to the place of destination and released at that place, whichever may be requested. The contents of the consignment shall be inspected by specially designated personnel of the force. The German customs office which released the goods to the force shall be notified by the force of the result of such inspection.

3. The certificate required under paragraph 1 above shall be in accordance with the form at Annex 2.

C. CUSTOMS CONTROL OF AIRCRAFT AND OF CONSIGNMENTS OF GOODS CARRIED IN THEM

1. Consignments of the force imported or exported via a military airfield of the force shall be subject to regular customs control by the authorities of the force itself. The German customs authorities shall nevertheless be entitled to carry out occasional controls of such consignments. In this connection they may inspect the official certificates accompanying the consignments. Such controls shall be established by mutual agreement between the local German customs office and the authorities of the force in charge of the military airfield. No inspection shall be made of the interior of aircraft to which for military reasons special security regulations apply. The German customs authorities may, however, in case of special grounds for suspicion request that such aircraft be inspected by specially designated personnel of the force. The result of such inspection shall be notified to the German customs authorities.

2. Within the terms of the administrative agreements and other arrangements provided for in paragraph 6 of Article 57 of the Supplementary Agreement the following shall apply:

(a) When entering the Federal territory, aircraft of the force which in addition to duty-free stores and travel provisions carry other goods shall land only on customs airfields or on airfields of the German Armed Forces which are specially licensed for goods traffic. The aircraft and their loads shall be subject to customs control by the German authorities in accordance with Section II A and B above.

(b) Aircraft of the force which carry only duty-free stores and travel provisions may also land on airfields of the German Armed Forces which are not licensed for goods traffic. Such aircraft and their loads shall be subject to customs control by the competent German authorities in accordance with the following provisions:

The authorities of the force shall instruct their members when landing on an airfield of the German Armed Forces to carry in their personal baggage no goods other than duty-free travel provisions. Specially designated personnel of the German Armed Forces who are authorized to enforce customs regulations shall ascertain on landing that these instructions are complied with. If contrary to these instructions goods are carried which are not duty-free travel provisions, such personnel of the German Armed Forces shall ensure that the goods are presented intact to a customs office for customs clearance.

The right of the German customs authorities to carry out customs control themselves shall not be hereby affected. However, the interior of aircraft to which for military reasons special security regulations apply shall not be inspected. Where there are special grounds for suspicion the German customs authorities may detain such aircraft and request the competent authorities of the force that it be inspected by specially designated personnel of the force. The German customs authorities shall be informed of the result of this inspection.

3. If for any special reasons (emergency landing) an aircraft of the force which is carrying goods lands on a civil airport or an airfield of the German Armed Forces other than those mentioned in sub-paragraph (a) of paragraph 2 above, the competent German civil and military authorities shall be required to inform the German customs authorities of such landing. Such aircraft shall remain under customs supervision until their departure. If the force desires to unload the aircraft so that the goods can be transported by other aircraft or by other means to their final destination, customs control shall be effected by the competent German customs office in accordance with Section II A and B above. No inspection shall be made of the interior of aircraft to which for military reasons special security regulations apply. The German customs authorities may, however, in case of special grounds for suspicion request that such aircraft be inspected by specially designated personnel of the force. The result of such inspection shall be notified to the German customs authorities.

D. CUSTOMS CONTROL OF REGULARLY CONSTITUTED  
UNITS OR FORMATIONS

1. Regularly constituted units or formations within the meaning of paragraph 10 of Article XI of the NATO Status of Forces Agreement shall not be subject to customs control when crossing frontiers during military exercises or maneuvers, provided the competent local German customs office has been duly notified in advance of the place and time of the proposed frontier crossings.

2. Where such units or formations cross the frontier for any other reason, no customs control shall, in general, take place provided the person in charge of such unit(s) or formation(s) submits, in addition to his Identity Card and Movement Order required under sub-paragraphs (a) and (b) of paragraph 2 of Article 5 of the Supplementary Agreement, a statement in writing to the effect that he has taken all practicable measures to ensure that no goods are being carried by either his unit or formation or its members in contravention of the provisions of the NATO Status of Forces Agreement of the Supplementary Agreement thereto. The same shall apply in respect of units or formations moving to or from military exercises or maneuvers.

## E. CUSTOMS CONTROL UNDER SPECIAL ADMINISTRATIVE AGREEMENTS

Section II A to D above shall not affect administrative agreements pursuant to paragraph 1 of Article 4 of the Supplementary Agreement.

*III. Procurement Procedures*

1. If duty and tax reliefs provided for under subparagraph (b) of paragraph 1 of Article 65 and under paragraph 3 of Article 67 of the Supplementary Agreement are claimed, the supplier of the goods or services shall submit an "Abwicklungsschein" to the agency of the force or of the civilian component authorized to receive the goods or accept the services. The "Abwicklungsschein" shall be in accordance with the form at Annex 3.

2. The competent authority of the force or of the civilian component shall certify on the "Abwicklungsschein" receipt of the goods or acceptance of the services, noting details of payment effected.

3. The "Abwicklungsschein" shall be submitted to the bank (situate in the Federal Republic) of the supplier of the goods or services in order that receipt of payment may be noted on the "Abwicklungsschein" by the bank.

4. The duly completed "Abwicklungsschein" shall serve as proof vis-a-vis the customs and tax authorities that the goods or services have been received or accepted by the agency authorized to receive or accept them. It shall also serve as proof that payment has been made in the currency of the country of the force concerned or in Deutsche Mark which the force or the civilian component have acquired by the exchange of such currency in the Federal Republic through agreed agencies or the use of which for this purpose is permitted under special agreements between the Governments concerned.

In the case of supplies or services, the value of which exceeds DM 5,000.— the customs and tax authorities may request production of the written delivery contract from the supplier of the goods or services.

*IV. Customs Treatment of Surplus Goods*

1. If and to the extent that the force or the civilian component disposes of movable property in the Federal Republic under paragraph 3 of Article 65 of the Supplementary Agreement, the customs treatment of such property shall be governed by the following provisions:

2. A list of the agencies authorized to dispose of such goods shall be submitted to the German customs authorities, the list containing designation and address of these agencies.

3. If such goods are disposed of for export from the Federal territory to persons not residing in the Federal territory, the German export restrictions shall not apply nor shall export licenses be required, neither shall the goods be subject to export duties. The person acquiring such goods shall, however, comply with the customs formalities required to ensure actual exportation of the goods.

4. If goods disposed of are to be put to home consumption or use within the Federal territory, the following shall apply:

(a) Goods of non-German origin imported from abroad under the provisions granting duty and tax exemptions to the force or the civilian component shall, in general, be subject to the import duties and taxes, restrictions, or prohibitions applicable to the importation of like goods.

(b) Goods of German origin acquired by the force or the civilian component in the Federal territory shall only be liable to those duties and taxes from which the force or the civilian component may have been exempted when acquiring such goods. Import duties shall be waived in accordance with German legislation for goods acquired under paragraph 3 of Article 67 of the Supplementary Agreement by the force or the civilian component against payment in its national currency, and for which the duty and tax reliefs provided for in the consumer tax and monopoly laws in the event of exportation have been granted.

5. The certificates issued by the authorities of the force or the civilian component certifying the origin of the goods and stating the circumstances under which possession of the goods has been acquired by the force or the civilian component, shall normally be accepted by the German customs offices as valid evidence.

6. In all cases where duties or taxes are payable on the goods, the possibility shall not be excluded of granting the persons acquiring such goods, upon request, the reductions in duties or taxes which for reasons of equity are allowable under German customs provisions for depreciation in the value of used goods.

7. In order to enable the customs administration to collect any duties or taxes due, the agency of the force or of the civilian component responsible for the disposal shall submit to the competent local customs office, not less than eight (8) days prior to the disposal, a list of the goods to be disposed of and address of place of storage.

8. The German authorities may inspect the goods in order to determine the amount of duties or taxes payable and to state any formalities to be observed.

9. The goods disposed of shall be retained by the disposing agency until the person who has acquired them has submitted a certificate from the German customs authorities to the effect that all the required formalities have been completed by him (Customs Clearance Certificate).

*Annex 1*

It has been decided by mutual consent not to attach the proformas agreed as Annexes (except Annex 2 below), because the previous proformas are to continue in use.

*Annex 2*

Only valid in conjunction with a Form 302

## CERTIFICATE

For military equipment subject to special protective provisions on security grounds

For submission to the German customs offices

valid until.....

This is to certify that the consignment of goods, consisting of..... marked  
.....  
(Waggons/vehicles, packages)

as follows....., contains exclusively military equipment subject to special protective provisions on security grounds and therefore subject to special customs treatment pursuant to subparagraph (c) of paragraph 5 of Article 65 of the Supplementary Agreement.

Consignor: .....

Office of the force entitled to receive goods: .....

No. of the official certificate (Form 302).....

Date

.....  
Signature and rank of Officer\*

Official stamp

**Annex 2 to the Note Verbale of the Federal Ministry for Foreign Affairs of  
August 3, 1959 GS/Bi—US/1**

**AGREEMENT ON THE IMPLEMENTATION OF THE CUSTOMS AND CONSUMER TAX PROVISIONS OF THE SUPPLEMENTARY AGREEMENT TO THE NATO STATUS OF FORCES AGREEMENT IN FAVOR OF MEMBERS OF A FORCE, OF A CIVILIAN COMPONENT AND DEPENDENTS (ARTICLE 66 AND PARAGRAPH 6 OF ARTICLE 3 OF THE SUPPLEMENTARY AGREEMENT)**

*I. Import and Export by Members of a Force, of a Civilian Component and Dependents*

1. The members of a force, of a civilian component and dependents (hereinafter referred to as "members") may import or export, without

\* Major or above.

payment of customs duties and other import or export taxes, the following goods in quantities not exceeding those stated below and not more than once in any one month:

- (i) cigarettes — 200 (import)  
— 600 (export)
- (ii) other tobacco — 250 gr. (import)  
products — 500 gr. (export)
- (iii) coffee — 500 gr.  
or pure  
coffee ex-  
tracts or  
mixed  
coffee — 250 gr.  
extracts
- (iv) tea — 500 gr.
- (v) wines and — 2 litres (import; in the case of spirits  
spirits it may be demanded that the bottles  
be uncorked).  
Reasonable quantities not deemed suf-  
ficient for trading purposes (export).
- (vi) cocoa — 500 gr.
- (vii) chocolate or  
chocolate  
products — 500 gr.

2. The reliefs in respect of the goods listed under items (i) to (v) inclusive of paragraph 1 above shall be granted only if the goods are contained in the accompanied baggage of the members.

3. Members crossing the frontier more than once in any one month shall be granted on second and subsequent crossings exemption from customs duties and other taxes on the goods listed under paragraph 1 above only in respect of such quantities as may be imported or exported free of duty and other taxes by travelers resident in the Federal Republic.

## *II. Certificate*

1. The certificate provided for under paragraph 3 of Article 66 of the Supplementary Agreement in respect of goods which may be imported by members without payment of customs duties and other import taxes, shall be presented to the German customs authorities without fail.

(a) in the case of importation of motor vehicles or trailers or watercraft or aircraft not registered by the authorities of the force, and for which, in the case of re-assignment, the certificate provided for in sub-paragraph (b) of paragraph 2 below has not been submitted;

(b) in the case of importation of expensive goods such as refrigerators, washing machines, kitchen machines, vacuum cleaners, television or radio sets, and tape recorders;

(c) in the case of importation of goods where it cannot be readily ascertained that they are destined for the personal or domestic use of the member concerned.

2. Presentation of a certificate as referred to under paragraph 1 above shall not be required

(a) in the case of importation of motor vehicles or trailers or watercraft or aircraft registered by the authorities of the force, provided that the registration certificate is presented to the German customs authorities;

(b) in the case of importation of household goods and personal effects as well as motor vehicles or trailers or watercraft or aircraft introduced into the Federal territory on the occasion of re-assignment, provided that a certificate/re-assignment order is presented to the German customs authorities.

3. The authorities of the force shall refuse to issue certificates for the importation of such goods as are supplied to the members under contracts of sale or barter deals concluded with residents of the Federal Republic or of Berlin (West).

4. The certificate provided for under paragraph 1 above shall be in accordance with the forms attached as Annexes.

### *III. Release of the Imported Goods*

The goods imported by the members in accordance with Article 66 of the Supplementary Agreement without payment of customs duties and other import taxes shall be released by the German customs authorities only to

1. the person entitled if he proves his identity in accordance with Article 5 of the Supplementary Agreement;

2. a member authorized by the entitled person on proof of identity as per paragraph 1 above, and on production of a written authority;

3. an authority of the force, and in particular a force's postal agency.

### *IV. Disposal of Goods*

1. Except as provided below the members shall not transfer or hand over to any person other than a member, goods imported or acquired for which reliefs have been claimed under the NATO Status of Forces Agreement and the Supplementary Agreement.

2. The following cases shall be deemed exceptions:

(a) customary gifts of a personal or domestic nature in quantities unsuitable for trading purposes. In the case of the goods mentioned below, however, the following quantities shall not be exceeded:

cigarettes—	25 or
cigars	— 10 or
tobacco	— 50 gr.
coffee	— 500 gr. or
coffee	
extracts	— 100 gr.
tea	— 100 gr.
spirits	— 1 bottle with a content not exceeding 1 litre

(b) foods, beverages and stimulants prepared for immediate consumption, and offered for such consumption to invited guests;

(c) the loan for brief periods of goods of personal or domestic utility—motor vehicles excepted—within the scope of normal social relations;

(d) the temporary transfer of goods for forwarding or storage purposes. Cigarettes, cigars, tobacco, cigarette paper, coffee,

coffee extracts, tea, spirits, and motor vehicle fuels and lubricants, however, may be handed over for forwarding or storage purposes only to a public law corporation or to a commercial enterprise specializing in such trade;

(e) the temporary transfer for repairs or other work;

(f) the disposal to second-hand dealers authorized by the German customs authorities, provided that the goods are used clothing or household goods (motor vehicles excepted) not exceeding the value of DM 200 per mensem;

(g) the direct disposal of non-expendable goods which have been in the possession of members in the Federal territory for a period of at least six months and for which the consent of the competent German customs authorities has been previously sought and obtained. Applications for permission to dispose of such goods shall be submitted to the competent authorities of the force concerned; if recommended, the application shall be transmitted to the competent German customs authority. The form of the application and of the disposal permit shall be established by mutual agreement;

(h) the disposal through an agent under the same conditions as stated under item (g) above, provided that the name and address of the agent are given to the German customs authorities.

#### *V. Customs Control of Consignments of Members*

##### 1. FORWARDING THROUGH FORCES' POST OFFICES OR FORCES' TRANSPORT AGENCIES

(a) Export and import consignments belonging to members which are forwarded by forces' post offices or forces' transport agencies shall for purposes of customs control be channeled through central agencies to be mutually agreed. The foregoing provision shall also apply to export consignments which the forces' post offices or transport agencies pass on to the German Federal Post for forwarding to destinations abroad. The German customs authorities will normally carry out only occasional controls, which will be conducted by arrangement with the personnel responsible for customs control of the competent authority of the force. Regular control will be effected by the authorities of the force.

(b) Import consignments for consignees not having a military postal address, which are transported into the Federal territory by forces' post offices or transport agencies and then passed on to the German Federal Post or another non-military transport agency for forwarding to the consignee, shall be subject to customs clearance as provided for under general German customs provisions. In order to ensure customs clearance, the forces' post offices and transport agencies shall make arrangements with the appropriate German agencies for the import consignments to be presented to the competent German customs offices.

##### 2. FORWARDING THROUGH OTHER CHANNELS

Members' import and export consignments other than those referred to under paragraph 1 above shall be subject to customs clearance as provided for under general German customs provisions.

*VI. Exchange Control*

If necessary, special arrangements shall be made for the implementation of exchange control in accordance with sub-paragraph (b) of paragraph 5 of Article 66 of the Supplementary Agreement.

*VII. Customs Control of Members*

## 1. AT THE FRONTIER

*(a) International Crossing Points*

(i) The liaison personnel provided for under paragraph 6 of Article 3 of the Supplementary Agreement to assist the German customs officials in their controls may be stationed at such crossing points as are used by a considerable number of members or used to a considerable extent for traffic in goods for the force. The number of persons shall be deemed "considerable" if, on an average, the number of persons crossing the point in either direction together totals 100 members of the force concerned per day. In the case of crossing points used by a considerable number of members only on certain days (e.g., weekends), liaison personnel may be attached on the days concerned.

(ii) Crossing points at which liaison personnel are to be stationed as provided for in accordance with item (i) above shall be determined by agreement with the force concerned. If, owing to changes in traffic the conditions referred to under item (i) above regarding the stationing of liaison personnel no longer exist, such personnel shall be withdrawn by mutual agreement from the crossing points concerned.

(iii) The provisions under items (i) and (ii) above do not exclude the stationing of liaison personnel at inland places for certain sectors of the crossing points.

*(b) Frontier control posts*

The provisions under sub-paragraph (a) above shall apply *mutatis mutandis* to the liaison personnel at the demarcation line of the Soviet Occupation Zone of Germany subject to the special conditions of passengers and goods traffic between the Federal territory and Berlin (West) being taken into account.

## 2. ON AIRFIELDS

(a) Customs control on military airfields of the force shall be carried out regularly by personnel of the force itself. Subject to that, customs control shall be governed *mutatis mutandis* by the provisions of paragraph 1 of Section IIC of the Agreement on the Implementation of Article 65 and Article 67 of the Supplementary Agreement.

(b) Customs control on airfields of the German Armed Forces or on civil airfields shall be carried out by personnel of the German Armed Forces or by German customs officials in accordance with the principles set forth in paragraphs 2 and 3 of Section IVC of the Agreement referred to in sub-paragraph (a) above.

(c) Under the circumstances referred to in paragraph 1 of Section VII above, liaison personnel may be stationed at customs airfields to assist the German customs officials in their controls.

### 3. CUSTOMS CONTROL UNDER SPECIAL ADMINISTRATIVE AGREEMENTS

Administrative agreements pursuant to paragraph 1 of Article 4 of the Supplementary Agreement shall not be affected by the provisions of paragraphs 1 and 2 of Section VII above.

#### *VIII. Travel between the Federal Territory and Berlin (West)*

The foregoing provisions shall be applicable also to members traveling between the Federal territory and Berlin (West). Notwithstanding the provisions of paragraph 1 of Section I above, members of the Occupation Forces stationed in Berlin traveling on leave or duty and entering the Federal territory in transit only may, however, import in their accompanied baggage

600 cigarettes and  
500 gr. of other tobacco products,

provided that the Occupation Forces' member concerned produces his leave pass or movement order at the customs control, showing that his destination, whether for purposes of leave or duty, is outside the Federal territory.

#### ANNEXES

The Annexes mentioned in the text of this Agreement, consisting of certain proformas, have been omitted by mutual consent because the proformas hitherto used are to continue in use.

### 2. AERIAL PHOTOGRAPHY

(Verbalnote No. 41)

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi—US/2) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows:

"The Federal Ministry for Foreign Affairs has the honor to refer to Article 42 of the Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the 'Supplementary Agreement') and to confirm to the Embassy of the United States of America that agreement has been reached on the implementation of that Article in the terms of the Administrative Agreement attached as Annex to this Note, to become effective on the date of the entry into force of the Supplementary Agreement.

"The Federal Ministry for Foreign Affairs would be grateful if the Embassy would inform the Ministry whether the United States Forces are also in agreement with the contents of this Note.

"The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration."

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the United States Forces are in agreement with the contents of that Note and its Annex.

The Embassy takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W R T

Enclosure: Annex

Embassy of the United States of America,  
Bonn/Bad Godesberg, August 3, 1959.

Annex to the Note Verbale of the Federal Ministry for Foreign Affairs dated  
August 3, 1959 (GS/Bi—US/2)

UNITED STATES/GERMAN ADMINISTRATIVE AGREEMENT ON AERIAL  
PHOTOGRAPHY

*Part I. General*

ARTICLE 1. CO-OPERATION

In accordance with Article 42 of the Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany (hereinafter called the Federal Republic), the German authorities and the appropriate authorities of the United States Forces (hereinafter called Headquarters, USAFE) shall co-operate on the implementation procedure laid down in the present Agreement.

ARTICLE 2. CHANNELS OF COMMUNICATION

Communications shall be passed by registered letter or by courier or by telephone between the following authorities:

1. German Authorities

- (a) Innenministerium des Landes Baden-Württemberg—Hauptabteilung für Verkehr—  
Stuttgart S  
Dorotheenstrasse 6  
Telephone: 9 91 21
- (b) Bayerisches Staatsministerium für Wirtschaft und Verkehr  
München 22  
Prinzregentenstrasse 28  
Telephone: 2 83 21
- (c) Senator für Häfen Schifffahrt und Verkehr der Freien Hansestadt Bremen  
Bremen  
Kirchenstrasse 4  
Telephone: 36 11
- (d) Hessischer Minister für Wirtschaft und Verkehr  
Wiesbaden  
Kaiser-Freidrich-Ring 75  
Landeshaus  
Telephone: 4 34 41

- (e) Der Niedersächsische Minister für Wirtschaft und Verkehr  
Hannover  
Friedrichswall 1  
Telephone: 1 65 91
  - (f) Der Minister für Wirtschaft und Verkehr des Landes  
Nordrhein-Westfalen  
Düsseldorf  
Karltor 8  
Telephone: 1 09 71
  - (g) Ministerium für Wirtschaft und Verkehr des Landes  
Rheinland-Pfalz  
Mainz  
Ludwigstrasse 9  
Telephone: 81 51
  - (h) Der Minister für Wirtschaft und Verkehr des Landes  
Schleswig-Holstein  
Kiel  
Düstern-Brooker-Weg 94-100  
Telephone: 4 08 91
2. United States  
Commander-in-Chief  
United States Air Forces, Europe  
DCS/Intelligence  
Directorate of Collections  
Wiesbaden  
Telephone: Wiesbaden 5/22 151

## ARTICLE 3. GENERAL LICENSES

Headquarters USAFE shall receive copies of all applications for general licenses (Grunderlaubnisse) to carry out aerial photography. The copies shall contain:

1. name and address of the firm;
2. names and addresses of principals of the firm;
3. nationality of persons indicated in item 2 of this Article;
4. business function and scope of the firm.

## ARTICLE 4. SPECIAL LICENSES

The supreme transport authority of the Land concerned shall forward to Headquarters, USAFE copies of all applications for special licenses to carry out aerial photography of:

1. areas in which United States installations are situated (as indicated on the accompanying map); \*
2. any other areas which may in future be notified to the Federal German authorities by Headquarters, USAFE and agreed by the former as subject to permanent or temporary restrictions necessary to safeguard secrecy or military security.

## ARTICLE 5. DATA REQUIRED

The copies of applications to be forwarded in accordance with Article 4 of the present Agreement shall contain the following data:

1. name and address of firm carrying out aerial photography;

---

\*Not reproduced.

2. name and address of project sponsor;
3. names and addresses of photographers and persons engaged in processing the photographs;
4. purpose for which photographs are required;
5. details of the object to be photographed together with a map on a scale up to 1:250,000 accurately outlining the area to be covered by the exposures;
6. flight plan (dates and duration of flight, airfields to be used for take-off and landing, E.T.D., E.T.A., route, altitude, etc.).

#### ARTICLE 6. SECURITY OBJECTIONS

If on grounds of secrecy or military security Headquarters, USAFE objects to the planned aerial photography, the supreme Land transport authorities shall be notified within ten days of the receipt of a copy of an application by Headquarters, USAFE. Such notification shall, wherever possible, contain an alternative suggestion for carrying out the projected photography. Where the supreme Land transport authorities are unable to accept the security objections raised by Headquarters, USAFE, they shall convene a meeting to discuss the application with representatives of the United States Forces at a mutually agreed time and place before the special license is granted.

#### ARTICLE 7. EXAMINATION OF FILM MATERIAL AND CONTROL MEASURES

1. Where Headquarters, USAFE requests permission from the German authorities to examine the negatives of aerial photographs, such requests shall designate the officers who will carry out such examinations and who will discuss with the German authorities the measures necessary to safeguard secrecy or military security. When the photographs have been taken, the German authorities shall advise Headquarters, USAFE without delay, giving the following data:

- (a) name of the place where the negatives are to be developed;
- (b) names and appointments of the competent German officials entrusted with the film material;
- (c) names and appointments of the competent German officials with whom the necessary measures in respect of the film material are to be discussed.

2. The film material shall be held for ten days at the place of development for examination by the designated officers. The German authorities shall ensure that the film material is not shown or given or sold to any unauthorized person during the period of time between exposure of the film and the carrying out of any measures agreed upon to safeguard secrecy or military security.

### *Part II. Official Survey Photography*

#### ARTICLE 8. APPLICATIONS

Applications for permission to carry out aerial photography commissioned by the German authorities for official survey purposes shall be clearly identified as such and marked "Official Survey Photography." Details to be given when the applications are transmitted to Headquarters, USAFE shall be governed mutatis mutandis by Article 5 of the present Agreement.

## ARTICLE 9. CONSULTATION

Within ten days of the receipt of an application Headquarters, USAFE may request consultation upon it. Such request shall designate the officers who will represent Headquarters, USAFE in the consultation, which shall be convened by the German authorities before any aerial photography is carried out over the areas concerned.

## ARTICLE 10. CONTROL MEASURES

Representatives of Headquarters, USAFE may be present during the controls exercised by the German authorities in the course of photographic flights, and may also be present when the films are developed. They shall have the right to first access to the negatives. They shall be granted ten days from the time of the development to determine what measures may be necessary to safeguard the secrecy and security of the installations, equipment, or troop dispositions of the force. The German authorities shall ensure that the film material is not shown or given or sold to any unauthorized person during the period of time between exposure of the film and the carrying out of any measures agreed upon to safeguard secrecy or military security.

## 3. PREVENTION OF ABUSES

(Verbalnote No. 42)

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi—US/3) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows:

“The Federal Ministry for Foreign Affairs has the honor to refer to Article 74 of the Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the ‘Supplementary Agreement’).

“In the negotiations which were conducted in connection with this Article, agreement has been reached with respect to the United States-German Administrative Agreement pursuant to paragraph 3 of Article 74 of the Supplementary Agreement, attached to this Note.

“This Administrative Agreement shall enter into force on the same date as the Supplementary Agreement and shall be subject to review without delay upon the request of a Party thereto.

“The Federal Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that the Federal Minister of Finance has agreed with the understandings contained in this Note. The Federal Ministry for Foreign Affairs would be grateful to the Embassy of the United States of America if it would inform the Ministry whether the United States Forces are also in agreement.

“The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.”

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the United

States Forces are in agreement with the contents of that Note and its Annex.

The Embassy takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W R T

Enclosure:

Annex

Embassy of the United States of America,  
Bonn/Bad Godesberg, August 3, 1959.

Annex to the Note Verbale of the Federal Ministry for Foreign Affairs dated August 3, 1959 (GS/Bi-US/3)

UNITED STATES/GERMAN ADMINISTRATIVE AGREEMENT PURSUANT TO PARAGRAPH 3 OF ARTICLE 74 OF THE SUPPLEMENTARY AGREEMENT

1. PERSONNEL

It shall be the policy of the United States Forces (hereinafter referred to as "the force") to employ in sales organizations and clubs no persons who have committed offenses against the customs and tax provisions of the Federal Republic of Germany. To implement this policy, the authorities of the force shall request, in accordance with Article 74 of the Supplementary Agreement, police certificates and extracts from the penal register concerning German nationals who seek such employment. In the hiring or retention of personnel, full consideration shall be given to this information, and to such supplementary information as may be provided by the German authorities.

2. RATIONING

(a) The authorities of the force shall maintain rationing measures to restrict quantitatively the sale of commodities which are particularly susceptible of illegal introduction into the German economy. The rations allowed to any category of authorized purchasers shall correspond to the reasonable and normal requirements of these persons for the commodities concerned.

(b) The presently established rations of commodities sold through organizations and clubs are shown in the Appendix to this Agreement. The authorities of the force shall raise these rations only for particular reasons and in consultation with the German authorities. However, increases of rations beyond the levels indicated below shall require the agreement of the German authorities:

- (1) Cigarettes: 300 per person per week;
- (2) Coffee: 7 lbs per person per month;
- (3) Coffee powder (soluble): 12 oz per family per month;
- (4) Tea: 1½ lbs per person per month;
- (5) Whiskey or Gin: 7 bottles per person per month;
- (6) Gasoline:
  - (a) Automobiles of 60 HP\* or over: 150 gallons per vehicle per month;
  - (b) Automobiles of under 60 HP\*: 75 gallons per vehicle per month;

\*American HP unit.

(c) Motorcycles, motorbicycles, and motorscooters: 30 gallons per vehicle per month;

(d) Aircraft: 600 gallons per aircraft per month.

(c) Notwithstanding the provisions of sub-paragraph (b) of this paragraph, the authorities of the force may afford to authorized purchasers special increases in rations to cover:

(1) increased need for rationed commodities during holiday seasons or on particular social occasions;

(2) increased need for rationed commodities when the individual concerned is on authorized travel;

(3) personal need for higher consumption of cigarettes in individual cases.

### 3. EXCHANGE OF INFORMATION

(a) The authorities of the force and the German Customs officials shall exchange all useful information concerning suspected or confirmed offenses against the customs and tax provisions of the Federal Republic.

(b) Upon request, the authorities of the force shall furnish to German Customs officials information concerning the volume and distribution of particular commodities in the sales organizations and clubs. It is understood that such requests shall be made only if there is evidence indicating the illegal introduction of such commodities in commercial quantities into the economy of particular areas of the Federal Republic, and when proper enforcement requires that the sources of such commodities be traced.

### 4. ACCESS TO SALES ORGANIZATIONS AND CLUBS FOR ROUTINE INSPECTIONS

(a) Upon request, and unless precluded by reasons of military security or by Article 53 of the Supplementary Agreement, the authorities of the force shall arrange for joint inspections of the premises of sales organizations and clubs. During such inspections, German Customs officials may observe control procedures governing the disposal of rationed commodities, and may observe spot checks, made in accordance with their requests, of the stocks of such commodities. Requests for the arrangement of such inspections shall be addressed:

(i) in the case of sales organizations of the European Exchange System, to the appropriate officer in the following list:

- (a) Munich Central Exchange Officer,
- (b) Frankfurt Central Exchange Officer,
- (c) Western Exchange Officer, Mannheim,
- (d) Bremerhaven Post Exchange Officer,
- (e) Commander, Ansbach Depot;

(ii) in the case of sales organizations of the Air Forces Europe Exchange, to the Base Special Activities Officer of the air base or headquarters concerned, or to the Commander, Detachment No. 5, AFEX, Wiesbaden/Biebrich, as appropriate;

(iii) in the case of sales organizations of the United States Navy, to the Commanding Officer of the installation concerned;

(iv) in the case of clubs, to the local military commander concerned.

(b) If requested by the German Customs officials, such inspections shall not be announced in advance to the managers, sales personnel, and stockroom employees of the sales organization or club.

**5. ACCESS IN THE EVENT OF OFFENSES AGAINST THE CUSTOMS AND TAX PROVISIONS OF THE FEDERAL REPUBLIC**

(a) The authorities of the force shall assist the German Customs officials in the investigation of offenses against the customs and tax provisions of the Federal Republic.

(b) Where offenses are committed in a sales organization or in a club located within an installation, the Commanding Officer shall, upon notification, grant access to the installation, and provide the German Customs officials with a suitable escort. However, the access and activities of the German Customs officials shall be subject to restrictions imposed by the Commanding Officer to safeguard military secrecy or security. The German Customs officials may take necessary measures within their legal competence.

(c) Where offenses are committed in a sales organization or in a club located outside an installation, the manager of the sales organization or club shall, upon notification, grant access to the premises to the German Customs officials and shall accompany them. The German Customs officials may take necessary measures within their legal competence. In such case, the German Customs officials shall notify the local military commander without delay of the reasons which necessitated the investigation, and of the measures taken.

*Appendix*

Current ration levels governing sales of particular commodities by organizations and clubs of the United States forces to authorized purchasers;

- (1) Cigarettes: 200 per person per week
- (2) Coffee: 5 lbs per person per month
- (3) Coffee powder (soluble): 8 oz per family per month
- (4) Tea: 1 lb per person per month
- (5) Whiskey or Gin: 5 bottles per person per month
- (6) Gasoline
  - (a) Automobiles of 60 HP or over: 100 gallons per vehicle per month
  - (b) Automobiles of under 60 HP: 50 gallons per vehicle per month
  - (c) Motorcycles, motorbicycles, and motorscooters: 20 gallons per vehicle per month
  - (d) Aircraft: 400 gallons per aircraft per month

**4. ACCOMMODATION SERVING PUBLIC TRANSPORT AND COMMUNICATIONS**

(Verbalnote No. 43)

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi—US/4) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows:

“The Federal Ministry for Foreign Affairs has the honor to confirm to the Embassy of the United States of America that, effective with

the entry into force of the Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the 'Supplementary Agreement'), the following has been agreed pursuant to sentence 2 of paragraph 2 of Article 48 of the Supplementary Agreement:

"The Federal Government is prepared to make available to the Forces of the United States stationed in the Federal territory (hereinafter referred to as the 'United States Forces') the accommodation mentioned in Annexes A through D attached to this Note for the same type of utilization as hitherto and under the conditions laid down in the Supplementary Agreement and Protocol of Signature thereto, and in this Note and its Annexes.

"This accommodation shall continue to be available to the United States Forces for so long as required for the fulfillment of the defense mission or until suitable alternative accommodation is made available.

"It is understood that a German interest shall be deemed to exist within the meaning of sub-paragraph (b) of paragraph 5 of Article 48 of the Supplementary Agreement if a unit of accommodation is required for public transport reasons or operational necessity affecting transport or postal and telecommunication services. In such cases negotiations shall, upon request, be entered into between the German authorities and the authorities of the United States Forces with a view to releasing the unit of accommodation in question. In these negotiations the interests of both sides shall be taken into consideration.

"The Federal Ministry for Foreign Affairs would be grateful if the Embassy would inform it whether the United States Forces are also in agreement with the contents of this Note and its Annexes.

"The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration."

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the United States Forces are in agreement with the contents of that Note and its Annexes.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W R T

Enclosures:

Annexes A through D to the Note Verbale of the Federal Ministry for Foreign Affairs of August 3, 1959 (GS/Bi—US/4).

Embassy of the United States of America,  
Bonn/Bad Godesberg, August 3, 1959.

**Annex A to the Note Verbale of the Federal Ministry for Foreign Affairs of August 3, 1959 GS/Bi—US/4**

**1. ACCOMMODATION WHICH SHALL CONTINUE TO BE AVAILABLE TO THE UNITED STATES FORCES**

German Federal Post accommodation made available to the United States Forces within the framework of the provisions of the Forces

Convention<sup>[1]</sup> and which is still in their possession upon entry into force of the Supplementary Agreement.

## 2. INDIVIDUAL AGREEMENTS (EINZELÜBERLASSUNGSVEREINBARUNGEN)

The individual agreements referred to in subparagraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement shall be concluded by the Federal Finance Administration (Bundesfinanzverwaltung).

## 3. STRUCTURAL MODIFICATIONS

Material structural modifications to accommodation or to alternative accommodation, if any, shall be the subject of agreements concluded on a case-to-case basis between the competent authority of the German Federal Post and the corresponding authorities of the United States Forces.

## 4. SPECIAL CONDITIONS

(a) An appropriate rental shall be paid for the rooms made available at the Postscheckamt, Stephanstrasse 14-16, Frankfurt-on-Main.

(b) In view of the urgent interest of the German Federal Post in the removal of offices of the United States Forces from accommodation at

München, Arnulfstrasse 60, Oberpostdirektion,  
Nürnberg, Karolinenstrasse 36, Fernmeldeamt, and  
Stuttgart, Lautenschlagerstrasse 17, Oberpostdirektion,  
negotiations for the transfer of the above-mentioned United States Forces offices to alternative accommodation will be continued.

## **Annex B to the Note Verbale of the Federal Ministry for Foreign Affairs of August 3, 1959 GS/Bi—US/4**

### 1. ACCOMMODATION WHICH SHALL CONTINUE TO BE AVAILABLE TO THE UNITED STATES FORCES

German Federal Railways accommodation made available to the United States Forces within the framework of the provisions of the Forces Convention and which is still in their possession upon entry into force of the Supplementary Agreement.

### 2. INDIVIDUAL AGREEMENTS (EINZELÜBERLASSUNGSVEREINBARUNGEN)

The individual agreements referred to in subparagraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement shall be concluded by the Federal Finance Administration (Bundesfinanzverwaltung).

### 3. STRUCTURAL MODIFICATIONS

Material structural modifications to accommodation or to alternative accommodation, if any, shall be the subject of agreements concluded on a case-to-case basis between the competent authority of the German Federal Railways and the corresponding authorities of the United States Forces.

<sup>1</sup> TIAS 3425; 6 UST 5608.

Annex C to the Note Verbale of the Federal Ministry for Foreign Affairs of  
August 3, 1959 GS/BI—US/4

1. AIRFIELDS WHICH SHALL CONTINUE TO BE AVAILABLE TO THE  
UNITED STATES FORCES

- (a) Frankfurt-on-Main
- (b) Stuttgart-Echterdingen
- (c) Bremerhaven-Weddewarden
- (d) Karlsruhe
- (e) Mannheim-Neuostheim
- (f) Augsburg-Haunstetterstrasse
- (g) Coburg-Brandensteinebene
- (h) Regensburg-Prufening
- (i) Darmstadt-Griesheim
- (j) Neu-Ulm/Schwaighofen
- (k) Bayreuth-Bindlacher Berg

The above list proceeds from the assumption that it contains all airfields used by the United States Forces which are destined for civilian air traffic.

2. INDIVIDUAL AGREEMENTS (EINZELÜBERLASSUNGSVEREINBARUNGEN)

The individual agreements referred to in subparagraph (b) of paragraph 3 of Article 48 of the Supplementary agreement shall be concluded by the Federal Finance Administration (Bundesfinanzverwaltung).

3. STRUCTURAL MODIFICATIONS

Unless it is, or will be otherwise agreed (e.g., 1(a) and (b) above), structural changes to accommodation or to alternative accommodation, if any, shall be the subject of agreement on a case-to-case basis between the Regional Finance Administration (Oberfinanzdirektion) and the corresponding authorities of the United States Forces to the extent that such alterations might impair the purpose for which the accommodation is designed or adversely affect the public interest. No structural modification shall be made by the United States Forces in the joint-use portion of airfields if German agencies are responsible for operation and maintenance.

4. OPERATION AND MAINTENANCE STANDARDS

In the cases where the German side is, or shall become, responsible for operation and maintenance of airfields (Nos. 1(e), (f), (g), (h) and (i)), the Federal Government shall ensure that

(a) the previous standard of maintenance of the flying operations area will be maintained;

(b) the previous extent of military flying operations of the United States Forces will not be limited.

5. SPECIAL CONDITIONS

In making available the airfields listed under Nos. 1 (a), (b) and (e) through (k), the following special conditions shall apply:

*Re 1 (a)*

Special conditions shall be laid down in the individual agreements referred to in sub-paragraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement.

*Re 1 (b)*

Special conditions shall be laid down in the individual agreements referred to in sub-paragraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement.

*Re 1 (c)*

Continued availability shall be restricted to the buildings lying at the north-eastern perimeter of the airfield. (In March 1959 they were occupied by a motor pool and a signal facility.) The use of the airfield itself, maintained and operated by the Badisch-Pfälzischer Flugbetrieb A.G., may be shared by the United States Forces.

*Re 1 (d)*

The use of the airfield may be shared by civilian aircraft owners (Luftfahrzeughalter) to the same extent as hitherto.

It is agreed that the United States Forces shall release the airfield as soon as an appropriate alternative airfield near Mühlhausen has been made available to them. The use of this alternative airfield, to be maintained and operated by the Municipality of Augsburg, may be shared by the United States Forces.

*Re 1 (e)*

The United States Forces may share the use of the flying operation areas maintained and operated by German agencies.

*Re 1 (f)*

The use of the airfield may be shared by civilian aircraft owners (Luftfahrzeughalter) to the same extent as hitherto.

It is agreed that the United States Forces shall release the airfield as soon as an appropriate alternative airfield has been made available to them. The use of such alternative airfield to be maintained and operated by the Municipality of Regensburg may be shared by the United States Forces.

*Re 1 (g)*

Limited joint use of the airfield shall be permitted to persons authorized by the Technische Hochschule Darmstadt for their powered aircraft for such time as the special military installation is located on the airfield.

After transfer of the special military installation an agreement shall be made on joint use for United States military and German civilian purposes.

*Re 1 (h)*

The use of the airfield may be shared by civilian aircraft to a small extent.

*Re 1 (i)*

The conditions of joint use of the airfield by civilian aircraft owners (Luftfahrzeughalter) shall be the subject of a special agreement.

**Annex D to the Note Verbale of the Federal Ministry for Foreign Affairs of  
August 3, 1956 GS/Bi—US/4**

**1. ACCOMMODATION OF THE ROAD CONSTRUCTION AUTHORITIES (STRASSENBAUVERWALTUNGEN) WHICH SHALL CONTINUE TO BE AVAILABLE TO THE UNITED STATES FORCES**

- (a) The Strassenmeisterei, Bad Hersfeld
- (b) The Strassenmeisterei, Mannheim-Seckenheim
- (c) That part of the Strassenmeisterei at Durlach hitherto used
- (d) The filling station at Kassel-Ost (west side) with snack bar
- (e) The filling station at Kirchheim (west side) with snack bar
- (f) The filling station at Frankfurt-on-Main/Nord (east side) with snack bar
- (g) The filling station at Mannheim-Seckenheim (east side) with snack bar
- (h) The filling station at Pforzheim-Ost (south side) with snack bar
- (i) The filling station at Gruibingen (north side) with snack bar
- (j) The Motel at Drackensteiner Hang (north side)
- (k) The filling station at Augsburg-Nord (south side) with snack bar
- (l) The filling station at Ingolstadt (west side) with snack bar
- (m) The filling station at Chiemsee (south side)
- (n) The Chiemsee Motel

**2. INDIVIDUAL AGREEMENTS (EINZELÜBERLASSUNGSVEREINBARUNGEN)**

The individual agreements referred to in subparagraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement shall be concluded by the superior road construction authorities (Strassenbaubehörden) of the Länder.

**3. STRUCTURAL MODIFICATIONS**

Unless otherwise agreed, structural modifications to the accommodation or alternative accommodation, if any, shall be made only in agreement with the appropriate road construction authority.

**4. SPECIAL CONDITIONS**

*Re 1 (g)*

The United States Forces shall release the accommodation as soon as the agreed upon alternative filling station and snack bar are available for occupancy.

*Re 1 (h), (i) and (j)*

The United States Forces shall release these accommodations as soon as the agreed upon alternative filling station and snack bar are available for occupancy.

**5. GOVERNMENT CORPORATIONS**

(Verbalnote No. 44)

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi — US/5) of the Federal Ministry for

Foreign Affairs dated August 3, 1959, the translation of which reads as follows:

"The Federal Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that, effective with the entry into force of the Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the 'Supplementary Agreement'), and pursuant to paragraph 5 of the Section of the Protocol of Signature referring to Article 63 of the Supplementary Agreement, the Federal Republic is prepared to make available rent-free to the Forces of the United States stationed in the Federal territory the accommodation listed in the Annex to this Note.

"It is understood that sub-paragraph (d) of paragraph 4 of Article 63 of the Supplementary Agreement shall apply *mutatis mutandis*.

"It is further agreed that the accommodation listed in the Annex may be retained by the Forces of the United States for so long as required for the fulfillment of their defense mission or until suitable alternative accommodation is made available.

"The Federal Ministry for Foreign Affairs would be grateful if the Embassy would inform it whether the Embassy is in agreement with the contents of this Note.

"The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration."

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that it is in agreement with the contents of that Note.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

Enclosure:

W R T

Annex to the Note Verbale of the Federal Ministry for Foreign Affairs of August 3, 1959 (GS/Bi — US/5).  
Embassy of the United States of America, Bonn/Bad Godesberg,  
August 3, 1959.

**Annex to the Note Verbale of the Federal Ministry for Foreign Affairs of  
August 3, 1959 GS/Bi—US/5**

<b>Kind of Accommodation</b>	<b>Location</b>	<b>Owner</b>
1. POL Depot (including rail tracks at Freigham near Munich)	Unterpfaffenhofen near Munich	WIFO
2. POL Depot (including dock area)	Farge-Bremen	WIFO
3. Warehouse, Fieseler Plant II	Kassel-Lohfelden	IVG
4. Open land (two items)	Argelsried near Munich	WIFO
5. Open land (rail tracks including marshaling yard Roenneveck and oil pipe lines in the ground)	Farge-Bremen	WIFO

## 6. MAINTENANCE CLAIMS

(Verbalnote No. 45)

The embassy of the United States of America has the honor to confirm to the Federal Ministry for Foreign Affairs the approval by the forces of the United States of the understanding reached in an exchange of memoranda between the United States Delegation and the German Delegation to the status of Forces Conference on the subject of maintenance claims. Copies of the memoranda together with a summary of the discussions in connection therewith are enclosed. The forces of the United States will make the necessary arrangements to carry out the measures envisaged in the memoranda.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration. Enclosures:

1. Memorandum of the German Delegation of April 18, 1956
2. Memorandum of the United States Delegation of February 4, 1957
3. Memorandum of the United States Delegation of June 5, 1958
4. Summary of Discussions, December 6, 1958

W R T

Embassy of the United States of America,  
Bonn/Bad Godesberg, August 3, 1959.

**Annex 1 to the Note Verbale of the Embassy of the United States of America  
dated August 3, 1959**

German Delegation to the  
Status of Forces Conference

Bonn, April 18, 1956

**Maintenance Claims****MEMORANDUM SUBMITTED BY THE GERMAN DELEGATION****I.**

The problem of maintenance claims of illegitimate children against members of the non-German forces stationed in the Federal Republic, while contingent upon the special conditions of stationment existing in the Federal territory, is pre-eminently important from numerous considerations of a domestic, social and economic nature.

It is a problem to which the German public pays particular attention. Letters from both official and private quarters in which this concern is reflected have been and continue to be addressed to the Federal Government. Moreover, the Federal Government has repeatedly—in fact, quite recently again—been called upon by the Bundestag to pay quite particular attention to the solution of this problem.

The significance of the question will appear from the following figures. It would, however, at once seem necessary to point out that the Federal Government was unable to establish the precise statistical total of the children involved. Allowing for this uncertainty the total number of occupation children was determined to amount to approximately 68,000. Of this number, approximately 55% (37,255) are children of U.S. nationals. Next in number are: France (10,201),

the U.K. (8,441), Belgium (1,770), Canada (470), the Netherlands (360), Norway (149), Denmark (123). The remainder is accounted for by nationals of countries not represented at this Conference, or includes children the nationality of whose fathers could not be determined conclusively. 49,385, i.e. 73% of the children so far counted live with their mothers, 9,011 live with maternal relatives of the first and the second degree, 4,862 with other families or distant relatives, and only 4,501—scarcely 7%—are in public homes. 21,104 children (31%) are either partly or totally maintained from public funds; of this number 15,479 (23%) are fully maintained from public funds. 46,623, approximately 70%, are maintained independently by their mothers or by relatives without any contribution from public funds.

Paternity was acknowledged by fathers in the case of 4,502 children (scarcely 7%). The physical and mental welfare in general and the financing of the maintenance, education and vocational training in particular of these illegitimate children have increasingly aroused the interest and concern of the German public in the past few years. Thus, it is pointed out that although German sovereignty was restored and the principle recognized in respect of civil law disputes that German jurisdiction extends over members of the forces, almost all endeavors on the part of mothers entitled to custody and of the competent Youth Offices (*Jugendaemter*) to obtain judgment against the father of an illegitimate child through the court competent for his garrison in the Federal Republic have almost invariably proved unsuccessful in the past.

Conversely, it should be pointed out in this connection that, while any maintenance claims of German children against non-German fathers are thus extremely difficult to enforce, such claims of non-German children against fathers living in Germany may be enforced without any major difficulty. Where the father of the child is a soldier, enforcement of the judgment is possible even in the form of attachment of the soldier's pay. This applies even if the mother and the child are resident outside of Germany.

Therefore, the German wish that a solution should be found in co-operation with the Delegations of the sending States whereby the illegitimate child of a member of the forces should not remain unprotected would seem to be a reasonable and justified concern. It is the opinion of the German side that illegitimate children whose fathers are members of the forces should be afforded the same possibilities with respect to the enforcement of their maintenance claims as are available to illegitimate children of non-German nationality in Germany. It should be in the general interest to find a satisfactory solution to this pre-eminently humane concern.

## II.

The following comments are added in explanation of the proposals laid down at the end of this memorandum:

The particular difficulty involved in the enforcement of maintenance claims consists in the fact that under German law such claims extend over a period of 16 years, whereas normally the father may be supposed to leave the territory of the Federal Republic after a comparatively short period of time. Therefore, the German Delegation

considers it to be particularly important that the question of paternity should be clarified at the earliest possible time and without recourse to a court. Under German law, the person claimed to be the father of an illegitimate child is summoned to appear before the German Youth Office (Jugendamt) or the Guardianship Court (Vormundschaftsgericht), where he is asked whether he is prepared to acknowledge paternity. This method has the merit of avoiding unnecessary lawsuits and of limiting the number of difficulties for all parties concerned. In particular, the method offers the possibility of discussing the question of a global payment (capitalization of the maintenance annuity) provided for under German law. If the person concerned commits himself to the payment of such global amount—if necessary in specified installments—and if such payments are effected, the execution of the claim is rendered unnecessary; on the other hand, no further court or other action need then be anticipated by the person under the claim of being the father. The German Delegation would greatly appreciate, therefore, if the military authorities were to ensure that summonses for members of the forces or the civilian component to appear before German Youth Offices and Guardianship Courts are obeyed. To this effect, the assistance of the Liaison Agency to be designated in conformity with Part I, paragraph 1 of document SC/WD/124\* would be of importance, particularly where the person under a claim has been transferred in the meantime. Further, in the case of the person under a claim acknowledging paternity, it would seem most desirable that the military authorities exert their influence to the effect that liability for payment of a capitalized annuity is assumed by the person concerned and that this obligation is fulfilled in practice.

Where paternity is not voluntarily acknowledged and payment not effected, the German Delegation would attach particular importance to ensuring that any maintenance claims established by court shall be successfully enforced. In the opinion of the German Delegation, the general settlement with regard to the attachment of pay, provided in document SC/WD/124\*\*, Part III, paragraph 3, is not sufficient for this purpose. It is the understanding of the German Delegation that special possibilities have been provided in the domestic laws of certain sending States with a view to facilitating the enforcement of maintenance claims. The German Delegation would greatly appreciate it if these possibilities could be made available for the enforcement of judgments delivered in maintenance proceedings by German courts. In the view of the German Delegation, there would thus be afforded a basis on which a settlement providing for the attachment of remunerations under an enforceable maintenance decision issued by a court might be negotiated. The German interests would equally be satisfied if the military authorities would agree to effect a direct transfer of a specified portion of remunerations to the claimant. If a statement by the person under obligation is required for this purpose, the military authorities should exert their influence to the effect that such a statement is made.

If, during the period of time in which the person under obligation is present in the Federal Republic, the two aforementioned possibilities

\* Now paragraph 1 of Article 32 of the Supplementary Agreement.

\*\* Now Article 34 of the Supplementary Agreement.

do not result in the fulfillment of the total maintenance claim, the German side considers it necessary to provide for easy enforcement of a German maintenance claim in the country of the person concerned. To this effect, the German Delegation would attach particular importance to the recognition that in such cases the jurisdiction of German courts is applicable in conformity with Article VIII, paragraph 9 of the NATO Status of Forces Agreement. This should ensure that the recognition of such enforceable German claims could not be denied abroad on the allegation that German jurisdiction had not existed.

Further, the German Delegation would be grateful if the sending States were to declare, within the framework of the Status of Forces Conference, that the authorities of the sending States will do everything in their power to facilitate the enforcement of maintenance claims.

### III.

On the basis of the foregoing comments, the German Delegation herewith submits the following proposals for consideration:

#### MAINTENANCE CLAIMS

1. Part I, paragraph 5 of the Supplementary Arrangement concerning Non-criminal Jurisdiction and Procedure—SC/WD/124—should be supplemented as follows:

The military authorities undertake to ensure that summonses for members of their force or civilian component to appear before a German Guardianship Court (Vormundschaftsgericht) or Youth Office (Jugendamt) shall be obeyed. If liability for maintenance is acknowledged by the person summoned, the military authorities shall require such person to discharge such liability, if in any way possible, by a global payment.

2. Part III, paragraph 3 of document SC/WD/124 should be supplemented as follows:

As far as is necessary for the fulfillment of a maintenance liability established by a German court, the military authorities shall require the person under obligation to satisfy the claim by direct payment to the person entitled of a part of his remuneration. Otherwise, the remunerations mentioned in paragraph 3, sentence 1, shall in such cases be subject to attachment, garnishment, or other form of execution ordered by a German court or authority.

3. The sending States recognize that judgments rendered by German courts in respect of maintenance claims shall be deemed to have been rendered in accordance with the jurisdiction which these courts enjoy under the provisions of Article VIII, paragraph 9 of the NATO Status of Forces Agreement. The authorities of the sending States shall extend any assistance in their power in order to ensure the enforcement of such judgments in their countries.

**Annex 2 to the Note Verbale of the Embassy of the United States of America  
[dated August 3, 1959]**

Bonn, February 4, 1957

United States Delegation to the  
Status of Forces Conference

## MEMORANDUM OF THE UNITED STATES DELEGATION

The United States Delegation has given careful consideration to the memorandum of the German Delegation of April 18, 1956 concerning the question of the maintenance of illegitimate children. The United States Delegation is conscious of the concern of the Federal Government for the welfare of these children and appreciates the social and economic problems attending their care and support.

In its memorandum of April 18, 1956 the German Delegation requests the co-operation of the sending States in assisting the German authorities to require fathers of these children to meet their financial obligations for their maintenance. The memorandum proposes that this co-operation should be expressed in the Supplementary Arrangements to the NATO Status of Force Agreement in terms of an undertaking on the part of the military authorities of the sending States to take certain measures designed to compel the serviceman concerned to satisfy maintenance obligations.

In this discussion which began May 12, 1956 the United States representatives pointed out that the United States military authorities do not have the powers of civil courts to enforce or execute judicial orders or decrees. In this connection United States law does not permit the military authorities to withhold the pay of a serviceman to satisfy maintenance obligations unless the man consents. The competence of the United States military authorities to require satisfaction of maintenance obligations is limited to subjecting their personnel to disciplinary action when the failure to meet their obligations constitutes dishonorable conduct to bring discredit upon the military service. The adjudication and enforcement of rights and obligations of parties in paternity cases is essentially a matter for the German courts. While present in the Federal territory personnel of the United States Armed Forces are subject to German civil jurisdiction. On the basis of new regulations military authorities will cooperate with German officials in serving process on members named in paternity suits and will also serve any judgment which the court may render.

The military authorities are in a position to exert strong efforts to work out voluntary settlements of maintenance problems. The co-operation and assistance of the military authorities at this early stage of a case prior to recourse to legal remedies would contribute to the wish of the German authorities to avoid wherever possible having maintenance cases brought before the courts.

In order to facilitate voluntary settlements the United States Delegation suggests that the Liaison Agency for the service of process in civil actions be used as a convenient channel for communicating notices of maintenance cases pending before the German Youth Offices (Jugendaemter). This will enable the unit commander to be informed of the case and to inquire whether the serviceman concerned is disposed to acknowledge his obligations toward the child. While the military authorities cannot coerce or in any way compel a settlement, the unit commander will take all appropriate measures to encourage and facilitate voluntary settlements where the serviceman concerned is willing to enter into such arrangements. Co-operation and assistance of this nature will, in the view of the United States

Delegation, facilitate the task of the German authorities in providing care and support to these children.

**Annex 3 to the Note Verbale of the Embassy of the United States of America dated August 3, 1959**

Bonn, June 5, 1958

United States Delegation to the  
Status of Forces Conference

MEMORANDUM OF THE UNITED STATES DELEGATION

The United States Delegation has given further consideration to the question of the maintenance of illegitimate children and is now in a position to supplement its memorandum of February 4, 1957 in the following respects:

The United States military authorities will give the same degree of assistance in respect of judicial orders or decrees of financial support rendered by German courts of competent jurisdiction as is given in the case of similar orders or decrees rendered by United States courts of competent jurisdiction. In addition other assistance will be furnished with respect to personnel who are no longer on active duty. The procedures for carrying out these measures are treated in detail in service regulations which have recently been published. Copies of the regulations issued by the Department of the Army are enclosed.

With respect to the related problem concerning appropriate measures to encourage and facilitate voluntary settlements, the unit commander will advise the military person concerned of the various methods in which such settlements may be effected, including a periodic allotment of pay, a lump sum settlement or a settlement agreement worked out in co-operation with a German Youth Office (Jugendamt). The choice of these or other arrangements for voluntary financial support rests entirely with the military person concerned.

**Annex 4 to the Note Verbale of the Embassy of the United States of America dated August 3, 1959**

Bonn, December 6, 1958

**Summary of Discussions Between the United States and German Delegations on Maintenance Claims for Illegitimate Children**

Within the framework of the negotiations for the conclusion of Supplementary Arrangements to the NATO Status of Forces Agreement, the United States and German Delegations have examined the problem of maintenance claims for illegitimate children of members of foreign forces stationed in the Federal territory and have discussed the subject in detail. They have borne in mind the importance attaching not only to the political, but also to the social and economic aspects of the problem. Both Delegations have therefore used their best endeavors to overcome the obstacles, especially legal obstacles, to the lodging of maintenance claims.

In the negotiations, the United States Delegation has proceeded from the principle of American policy which provides that payment of maintenance in the absence of a judgment must be voluntary in nature—that is, the military authorities are not competent under United States law to order or enforce the payment of maintenance.

Against this, the United States Delegation stated emphatically that the United States military authorities were prepared to use their best endeavors to bring about a voluntary settlement in maintenance cases. The results of the negotiations conducted in the light of these preliminaries may be summarized as follows:

1. The relevant United States regulations (Army Regulations Nos. 608-99 of 7 March 1958, identical in substance with the corresponding regulations for the Air Force and the Navy) settle the details of the procedure for co-operation by United States military authorities in maintenance cases. According to these Regulations the responsible commanding officer shall take steps before the institution of court proceedings, to provide the child's father with an opportunity of voluntarily admitting or denying paternity, and to give him the opportunity of making a statement as to whether he is prepared to pay maintenance for the child or to give other financial support.

2. Where the father of a child fails to make a statement regarding paternity, the commanding officer is required under the Army Regulations referred to above to advise the mother accordingly.

3. Where a soldier makes an affirmative statement as in paragraph 1 above, the said Army Regulations regulate the subsequent action to be taken by the commanding officer. He is required to request the child's mother to submit a certificate as to her pregnancy, or a copy of the birth certificate if the child is born. Upon receipt of the document or documents in question, the military authorities shall provide the soldier with certain administrative facilities in order to implement his voluntarily assumed obligation to pay maintenance. The commanding officer is required to inform the person entitled to maintenance of these arrangements.

4. In addition to this procedure under Army Regulations, the military authorities shall take appropriate measures to encourage and facilitate the voluntary settlement of maintenance claims, soldier's salary, payment of a lump sum, or including a periodic allotment of pay from the payment of maintenance based on an agreement worked out in co-operation with the German Youth Office (Jugendamt).

5. Apart from this action by the military authorities, the responsible German authorities are to be at liberty to communicate with the child's father, for example, to visit him at his barracks, to discuss the question of maintenance payments with him.

6. With regard to court proceedings over maintenance claims, the United States Delegation has specifically confirmed that German civil courts have jurisdiction to try cases arising in the Federal Republic against United States military personnel.

7. Regarding the service of summons, that is, the initiation of proceedings before a German court, and the summons of witnesses, detailed provisions were worked out in the course of the main negotiations (especially Articles 32 and 37) which settle details of service procedure as against Article 9 of the current Forces Convention.

8. Regarding the support to be given by the military authorities in the execution of maintenance judgments of German courts,

the Army Regulations mentioned above were substantially changed in the course of the negotiations. The military authorities shall give now the same assistance to decisions of German courts as they have to support decisions of American courts; that is, the commanding officer has to advise the child's father of his moral and legal obligations and to encourage him to render the necessary financial support to the child. In addition, the commanding officer has to take any other action that would be proper in the circumstances or as required by the court judgment; he may also bring a disciplinary charge against the soldier if all efforts to implement the court's decree have been fruitless.

9. Under paragraph 1 of Article 34 of the new Supplementary Agreement, military authorities are required to accord every means of support at their disposal to assist in implementing court judgments, decisions and orders, whilst Article 10 of the current Forces Convention merely places the authorities of the force under an obligation to provide assistance in the implementation of judgments, decisions and orders insofar as service regulations permit. The United States Delegation could not concede the possibility of holding the pay of the father of a child to satisfy a court order for maintenance, since American law specifically prohibits the military authorities from withholding a United States soldier's pay without his consent, even in the case of a judgment rendered by a United States court.

10. Under paragraph 4 of Article 34 of the Supplementary Agreement to the NATO Status of Forces Agreement, enforcements within an installation are to be effected by the German enforcement officer in the presence of a representative of the force, whilst under paragraph 2 of Article 10 of the present Forces Convention the authorities of the force are required to comply with a request for the implementation or an enforcement within an installation only "if possible".

The two Delegations consider that the foregoing results of their negotiations indicate substantial improvements; they hope that many of the difficulties that have arisen in the past regarding the settlement of maintenance claims will thus have been removed.

#### 7. CONSTRUCTION (ADMINISTRATIVE AGREEMENTS)

(Verbalnote No. 46)

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi—US/7) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows:

"The Federal Ministry for Foreign Affairs has the honor to refer to paragraphs 2, 3 and sub-paragraph (i) of paragraph 6 of Article 49 of the Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the 'Supplementary Agreement'), and to state that the agreements and contracts listed below are special Administrative Agreements within the meaning of the above-mentioned provisions of the Supplementary Agreement:

"1. Memorandum of Understanding concerning the implementation of construction projects of the United States Forces stationed in the Federal Republic of Germany, under Article 40 of the Forces Convention, dated 26 May 1952, as amended by the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed on 23 October 1954 (Principles for German/United States Support Projects 1955—ABG 1955), pursuant to Exchange of Letters of 13 December 1955/17 February 1956;

"2. Fixed Price/Cost Reimbursement Architect-Engineer-Construction Basic Contract (DBK 1956) pursuant to Exchange of Letters of 8 August 1956/27 October 1956;

"3. Memorandum of Understanding concerning the compensation of the Deutsche Bauverwaltung (DBV) for the implementation of Construction Projects of the United States Forces (German-American Principles concerning Construction Planning Supervision and Inspection Fees) 1956 (BMG 1956) pursuant to Exchange of Letters of 20 October 1956/12 December 1956.

"With respect to the Agreement listed under 2 above, it is agreed that the United States Forces shall be entitled to satisfy their requirements for goods and services in connection with construction work through direct procurement within the framework of paragraph 3 of Article 49 of the Supplementary Agreement; it would, however, be appreciated if the Forces would make use of this possibility only in exceptional cases.

"The right both on the American and German side to amend or supplement the Administrative Agreements and the Exchanges of Letters pertaining thereto by new Agreements shall remain unaffected.

"The Federal Ministry for Foreign Affairs would be grateful if the Embassy of the United States of America would inform the Ministry whether the United States Forces are in agreement with the contents of this Note.

"The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration."

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the United States Forces are in agreement with the contents of that Note.

The Embassy takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W R T

Embassy of the United States of America,  
Bonn/Bad Godesberg, August 3, 1959.

## 8. SETTLEMENT OF DISPUTES ARISING OUT OF DIRECT PROCUREMENT

(Verbalnote No. 47)

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi—US/8) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows:

"The Federal Ministry for Foreign Affairs has the honor to refer to the second sentence of Article 3 of the Agreement between the

Federal Republic of Germany and the United States of America on the Settlement of Disputes Arising out of Direct Procurement, signed at Bonn on August 3, 1959, concerning special arrangements envisaged for the German Federal Railways and the German Federal Post.

"The Ministry would be grateful if the Embassy would confirm its understanding that the conciliation procedure before the Contract Conciliation Commission mentioned in paragraph 2 of Article 4 of that Agreement may also be applied in respect of disputes arising out of direct procurement of goods and services from the German Federal Railways or the German Federal Post.

"The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration."

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that it agrees with the contents of that Note.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W R T

Embassy of the United States of America,  
Bonn/Bad Godesberg, August 3, 1959.

**AGREEMENT UNDER ARTICLE VI OF THE TREATY OF  
MUTUAL COOPERATION AND SECURITY BETWEEN THE  
UNITED STATES OF AMERICA AND JAPAN, REGARDING  
FACILITIES AND AREAS AND THE STATUS OF UNITED  
STATES ARMED FORCES IN JAPAN**

Signed at Washington January 19, 1960; Entered into force  
June 23, 1960

With agreed minutes and exchange of notes

The United States of America and Japan, pursuant to Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960,<sup>[1]</sup> have entered into this Agreement in terms as set forth below:

**ARTICLE I**

In this Agreement the expression—

(a) “members of the United States armed forces” means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) “civilian component” means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of Article XIV. For the purposes of this Agreement only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States nationals.

(c) “dependents” means:

- (1) Spouse, and children under 21;
- (2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.

**ARTICLE II**

1. (a) The United States is granted, under Article VI of the Treaty of Mutual Cooperation and Security, the use of facilities and areas in Japan. Agreements as to specific facilities and areas shall be concluded by the two Governments through the Joint Committee provided for in Article XXV of this Agreement. “Facilities and areas” include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

(b) The facilities and areas of which the United States has the use at the time of expiration of the Administrative Agreement <sup>[2]</sup> under

<sup>1</sup> TIAS 4509; *ante*, p. 84.

<sup>2</sup> TIAS 2492.

Article III of the Security Treaty [3] between the United States of America and Japan, shall be considered as facilities and areas agreed upon between the two Governments in accordance with subparagraph (a) above.

2. At the request of either Government, the Governments of the United States and Japan shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.

3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this Agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make interim use of such facilities and areas provided that it is agreed between the two Governments through the Joint Committee that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to facilities and areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall apply.

#### ARTICLE III

1. Within the facilities and areas, the United States may take all the measures necessary for their establishment, operation, safeguarding and control. In order to provide access for the United States armed forces to the facilities and areas for their support, safeguarding and control, the Government of Japan shall, at the request of the United States armed forces and upon consultation between the two Governments through the Joint Committee, take necessary measures within the scope of applicable laws and regulations over land, territorial waters and airspace adjacent to, or in the vicinities of the facilities and areas. The United States may also take necessary measures for such purposes upon consultation between the two Governments through the Joint Committee.

2. The United States agrees not to take the measures referred to in paragraph 1 in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by arrangement between the appropriate authorities of the two Governments. The Government of Japan shall, within the scope of applicable laws and regulations, take all reasonable measures to avoid or eliminate interference with telecommunications electronics required by the United States armed forces.

3. Operations in the facilities and areas in use by the United States armed forces shall be carried on with due regard for the public safety.

<sup>3</sup> TIAS 2491.

## ARTICLE IV

1. The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to any construction which the Government of the United States may undertake under special arrangements with the Government of Japan.

## ARTICLE V

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and their entry into and departure from Japan shall be according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports or airports of Japan. Such access to and movement between facilities and areas by United States military vehicles shall be free from toll and other charges.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

## ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by arrangement between the appropriate authorities of the two Governments.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

## ARTICLE VII

The United States armed forces shall have the use of all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and shall enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

## ARTICLE VIII

The Government of Japan undertakes to furnish the United States armed forces with the following meteorological services in accordance with arrangements between the appropriate authorities of the two Governments:

- (a) Meteorological observations from land and ocean areas including observations from weather ships.
- (b) Climatological information including periodic summaries and the historical data of the Meteorological Agency.
- (c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.
- (d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might be affected thereby.

## ARTICLE IX

1. The United States may bring into Japan persons who are members of the United States armed forces, the civilian component, and their dependents, subject to the provisions of this Article.

2. Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.

3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents:

- (a) personal identity card showing name, date of birth, rank and number, service, and photograph; and
- (b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card which must be presented on request to the appropriate Japanese authorities.

4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under paragraph 1 of this Article is altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Japa-

nese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Government of Japan.

6. If the Government of Japan has requested the removal from its territory of a member of the United States armed forces or civilian component or has made an expulsion order against an ex-member of the United States armed forces or the civilian component or against a dependent of a member or ex-member, the authorities of the United States shall be responsible for receiving the person concerned within its own territory or otherwise disposing of him outside Japan. This paragraph shall apply only to persons who are not nationals of Japan and have entered Japan as members of the United States armed forces or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

#### ARTICLE X

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the United States to a member of the United States armed forces, the civilian component, and their dependents.

2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

3. Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

#### ARTICLE XI

1. Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examinations shall not be made in the following cases:

(a) Units of the United States armed forces under orders entering or leaving Japan;

(b) Official documents under official seal and official mail in United States military postal channels;

(c) Military cargo shipped on a United States Government bill of lading.

6. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3, may be re-exported free from customs duties and other such charges.

8. The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of Japan, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of Japan are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties

payable by members of such forces or of the civilian component, or their dependents.

(d) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Government of Japan in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

#### ARTICLE XII

1. The United States may contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this Agreement, without restriction as to choice of supplier or person who does the construction work. Such supplies or construction work may, upon agreement between the appropriate authorities of the two Governments, also be procured through the Government of Japan.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces, or by authorized procurement agencies of the United States armed forces upon appropriate certification shall be exempt from the following Japanese taxes:

- (a) Commodity tax,
- (b) Travelling tax,
- (c) Gasoline tax,
- (d) Electricity and gas tax.

Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

4. Local labor requirements of United States armed forces and of the organizations provided for in Article XV shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Should the United States armed forces or as appropriate an organization provided for in Article XV dismiss a worker and a

decision of a court or a Labor Relations Commission of Japan to the effect that the contract of employment has not terminated become final, the following procedures shall apply:

(a) The United States armed forces or the said organization shall be informed by the Government of Japan of the decision of the court or Commission;

(b) Should the United States armed forces or the said organization not desire to return the worker to duty, they shall so notify the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from duty;

(c) Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case;

(d) Should such a solution not be reached within a period of thirty days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duty. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.

7. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

8. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

9. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

#### ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer *inter se*, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

## ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces, and who are designated by the Government of the United States in accordance with the provisions of paragraph 2 below, shall, except as provided in this Article, be subject to the laws and regulations of Japan.

2. The designation referred to in paragraph 1 above shall be made upon consultation with the Government of Japan and shall be restricted to cases where open competitive bidding is not practicable due to security considerations, to the technical qualifications of the contractors involved, or to the unavailability of materials or services required by United States standards, or to limitations of United States law.

The designation shall be withdrawn by the Government of the United States:

- (a) upon completion of contracts with the United States for the United States armed forces;
- (b) upon proof that such persons are engaged in business activities in Japan other than those pertaining to the United States armed forces; or
- (c) when such persons are engaged in practices illegal in Japan.

3. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

- (a) Rights of accession and movement, as provided for in Article V, paragraph 2;
- (b) Entry into Japan in accordance with the provisions of Article IX;
- (c) The exemption from customs duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;
- (d) If authorized by the Government of the United States, the right to use the services of the organizations provided for in Article XV;
- (e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;

(f) If authorized by the Government of the United States, the right to use military payment certificates, as provided for in Article XX;

(g) The use of postal facilities provided for in Article XXI;

(h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

4. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

5. Upon certification by an authorized officer of the United States armed forces, depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

6. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the Government of the United States shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

8. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

#### ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations

authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1 (b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

#### ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

#### ARTICLE XVII

1. Subject to the provisions of this Article:

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include:

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to:

(i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or the civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.

5. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent.

(c) The custody of an accused member of the United States armed forces or the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

6. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The military authorities of the United States and the authorities of Japan shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for

assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or the authorities of Japan and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

9. Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Japan;
- (e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article II of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

11. In the event of hostilities to which the provisions of Article V of the Treaty of Mutual Cooperation and Security apply, either the Government of the United States or the Government of Japan shall have the right, by giving sixty days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, the Governments of the United States and Japan shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

12. The provisions of this Article shall not apply to any offenses committed before the entry into force of this Agreement. Such cases shall be governed by the provisions of Article XVII of the Administrative Agreement under Article III of the Security Treaty

between the United States of America and Japan, as it existed at the relevant time.

## ARTICLE XVIII

1. Each Party waives all its claims against the other Party for damage to any property owned by it and used by its land, sea or air defense services, if such damage—

(a) was caused by a member or an employee of the defense services of the other Party in the performance of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other Party and used by its defense services, provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims for maritime salvage by one Party against the other Party shall be waived, provided that the vessel or cargo salvaged was owned by a Party and being used by its defense services for official purposes.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by either Party and located in Japan, the issue of the liability of the other Party shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with subparagraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in subparagraph (a) above shall be selected by agreement between the two Governments from amongst the nationals of Japan who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e) (i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Party waives its claim in any such case up to the amount of 1,400 United States dollars or 504,000 yen. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Party" in the case of a vessel includes a vessel on bare boat charter to that Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Party).

4. Each Party waives all its claims against the other Party for injury or death suffered by any member of its defense services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members or employees of the United States armed forces done in the performance of official duty, or out of any other act, omission or

occurrence for which the United States armed forces are legally responsible, and causing damage in Japan to third parties, other than the Government of Japan, shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its Self-Defense Forces.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Parties.

(d) Every claim paid by Japan shall be communicated to the appropriate United States authorities together with full particulars and a proposed distribution in conformity with subparagraphs (e) (i) and (ii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding subparagraphs and paragraph 2 of this Article shall be distributed between the Parties as follows:

(i) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 percent chargeable to Japan and 75 percent chargeable to the United States.

(ii) Where the United States and Japan are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them. Where the damage was caused by the defense services of the United States or Japan and it is not possible to attribute it specifically to one or both of those defense services, the amount awarded or adjudged shall be distributed equally between the United States and Japan.

(iii) Every half-year, a statement of the sums paid by Japan in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the appropriate United States authorities, together with a request for reimbursement. Such reimbursement shall be made, in yen, within the shortest possible time.

(f) Members or employees of the United States armed forces, excluding those employees who have only Japanese nationality, shall not be subject to any proceedings for the enforcement of any judgment given against them in Japan in a matter arising from the performance of their official duties.

(g) Except in so far as subparagraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members or employees of the United States armed forces (except employees who are nationals of or ordinarily resident in Japan) arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

(a) The authorities of Japan shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the appropriate United States authorities, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of this claim, the United States authorities shall make the payment themselves and inform the authorities of Japan of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of Japan to entertain an action against a member or an employee of the United States armed forces unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the United States armed forces shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the United States armed forces are legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member or an employee of the United States armed forces was done in the performance of official duty or as to whether the use of any vehicle of the United States armed forces was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

9. (a) The United States shall not claim immunity from the jurisdiction of the courts of Japan for members or employees of the United States armed forces in respect of the civil jurisdiction of the courts of Japan except to the extent provided in paragraph 5(f) of this Article.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the United States armed forces, the United States authorities shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The authorities of the United States and Japan shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this Article.

10. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

11. The term "defense services" used in this Article is understood to mean for Japan its Self-Defense Forces and for the United States its armed forces.

12. Paragraphs 2 and 5 of this Article shall apply only to claims arising incident to non-combat activities.

13. The provisions of this Article shall not apply to any claims which arose before the entry into force of this Agreement. Such claims shall be dealt with by the provisions of Article XVIII of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan.

#### ARTICLE XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

#### ARTICLE XX

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the United States armed forces. The Government of the United States will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of Japan will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of Japan or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

2. In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military

payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by Article XIX, paragraph 2, of this Agreement.

#### ARTICLE XXI

The United States may establish and operate, within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

#### ARTICLE XXII

The United States may enroll and train eligible United States citizens residing in Japan, who apply for such enrollment, in the reserve organizations of the armed forces of the United States.

#### ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United States armed forces, the members thereof, the civilian component, their dependents, and their property. The Government of Japan agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

#### ARTICLE XXIV

1. It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities and areas and rights of way, including facilities and areas jointly used such as those at airfields and ports, as provided in Articles II and III.

3. It is agreed that arrangements will be effected between the Governments of the United States and Japan for accounting applicable to financial transactions arising out of this Agreement.

#### ARTICLE XXV

1. A Joint Committee shall be established as the means for consultation between the Government of the United States and the Gov-

ernment of Japan on all matters requiring mutual consultation regarding the implementation of this Agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in Japan which are required for the use of the United States in carrying out the purposes of the Treaty of Mutual Cooperation and Security.<sup>[1]</sup>

2. The Joint Committee shall be composed of a representative of the Government of the United States and a representative of the Government of Japan, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the Government of the United States or the Government of Japan.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

#### ARTICLE XXVI

1. This Agreement shall be approved by the United States and Japan in accordance with their legal procedures, and notes indicating such approval shall be exchanged.<sup>[2]</sup>

2. After the procedure set forth in the preceding paragraph has been followed, this Agreement will enter into force<sup>[3]</sup> on the date of coming into force of the Treaty of Mutual Cooperation and Security, at which time the Administrative Agreement<sup>[4]</sup> under Article III of the Security Treaty<sup>[5]</sup> between the United States of America and Japan, signed at Tokyo on February 28, 1952, as amended, shall expire.

3. The Government of each Party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

#### ARTICLE XXVII

Either Government may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

#### ARTICLE XXVIII

This Agreement, and agreed revisions thereof, shall remain in force while the Treaty of Mutual Cooperation and Security remains in force unless earlier terminated by agreement between the two Governments.

<sup>1</sup> *Ante*, p. 84.

<sup>2</sup> Notes signed and exchanged at Tokyo June 23, 1960; not printed.

<sup>3</sup> June 23, 1960.

<sup>4</sup> TIAS 2492.

<sup>5</sup> TIAS 2491.

**Agreed Minutes to the Agreement Under Article VI of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan**

The Plenipotentiaries of the United States of America and Japan wish to record the following understanding which they have reached during the negotiations for the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today:

*Article III*

The measures that may be taken by the United States under paragraph 1 shall, to the extent necessary to accomplish the purposes of this Agreement, include, *inter alia*, the following:

1. To construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the facilities and areas;
2. To remove buildings or structures, make alterations, attach fixtures, or erect additions thereto and to construct any additional buildings or structures together with auxiliary facilities;
3. To improve and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to such facilities and areas;
4. To control (including measures to prohibit) in so far as may be required by military necessity for the efficient operation and safety of the facilities and areas, anchorages, moorings, landings, takeoffs and operation of ships and waterborne craft, aircraft and other vehicles on water, in the air or on land comprising, or in the vicinity of, the facilities and areas;
5. To construct on rights of way utilized by the United States such wire and radio communications facilities, including submarine and subterranean cables, pipe lines and spur tracks from railroads, as may be required for military purposes; and
6. To construct, install, maintain and employ in any facility or area any type of installation, weapon, substance, device, vessel or vehicle on or under the ground, in the air or on or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and radar apparatus and electronic devices.

*Article V*

1. "United States and foreign vessels . . . . operated by, for, or under the control of the United States for official purposes" mean United States public vessels and chartered vessels (bare boat charter, voyage charter and time charter). Space charter is not included. Commercial cargo and private passengers are carried by them only in exceptional cases.
2. The Japanese ports mentioned herein will ordinarily mean "open ports".
3. The exemption from making "appropriate notification" will be applicable only to exceptional cases where such is required for security of the United States armed forces or similar reasons.

4. The laws and regulations of Japan will be applicable except as specifically provided otherwise in this Article.

*Article VII*

The problem of telecommunications rates applicable to the United States armed forces will continue to be studied in the light of, *inter alia*, the statements concerning Article VII recorded in the official minutes of the Tenth Joint Meeting for the Negotiation of the Administrative Agreement signed on February 28, 1952, which are hereby incorporated by reference.

*Article IX*

The Government of Japan will be notified at regular intervals, in accordance with procedures to be agreed between the two Governments, of numbers and categories of persons entering and departing.

*Article XI*

1. The quantity of goods imported under paragraph 2 by the organizations provided for in Article XV for the use of the members of the United States armed forces, the civilian component, and their dependents shall be limited to the extent reasonably required for such use.

2. Paragraph 3(a) does not require concurrent shipment of goods with travel of owner nor does it require single loading or shipment.

3. The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all cargo shipped to the United States armed forces on a United States Government bill of lading, the term "military cargo" being used to distinguish cargo shipped to the United States armed forces from cargo shipped to other agencies of the United States Government.

4. The United States armed forces will take every practicable measure to ensure that goods will not be imported into Japan by or for the members of the United States armed forces, the civilian component, or their dependents, the entry of which would be in violation of Japanese customs laws and regulations. The United States armed forces will promptly notify the Japanese customs authorities whenever the entry of such goods is discovered.

5. The Japanese customs authorities may, if they consider that there has been an abuse or infringement in connection with the entry of goods under Article XI, take up the matter with the appropriate authorities of the United States armed forces.

6. The words "The United States armed forces shall render all assistance within their power etc." in paragraph 9 (b) and (c) refer to reasonable and practicable measures by the United States armed forces.

*Article XII*

1. The United States armed forces will furnish the Japanese authorities with appropriate information as far in advance as practicable on anticipated major changes in their procurement program in Japan.

2. The problem of a satisfactory settlement of difficulties with respect to procurement contracts arising out of differences between United States and Japanese economic laws and business practices

will be studied by the Joint Committee or other appropriate persons.

3. The procedures for securing exemptions from taxation on purchases of goods for ultimate use by the United States armed forces will be as follows:

a. Upon appropriate certification by the United States armed forces that materials, supplies and equipment consigned to or destined for such forces, are to be used, or wholly or partially used up, under the supervision of such forces, exclusively in the execution of contracts for the construction, maintenance or operation of the facilities and areas referred to in Article II or for the support of the forces therein, or are ultimately to be incorporated into articles or facilities used by such forces, an authorized representative of such forces shall take delivery of such materials, supplies and equipment directly from manufacturers thereof. In such circumstances the collection of commodity and gasoline taxes shall be held in abeyance.

b. The receipt of such materials, supplies and equipment in the facilities and areas shall be confirmed by an authorized officer of the United States armed forces to the Japanese authorities.

c. Collection of commodity and gasoline taxes shall be held in abeyance until:

(1) The United States armed forces confirm and certify the quantity or degree of consumption of the above referred to materials, supplies and equipment, or

(2) The United States armed forces confirm and certify the amount of the above referred to materials, supplies, and equipment which have been incorporated into articles or facilities used by United States armed forces.

d. Materials, supplies, and equipment certified under c (1) or (2) shall be exempt from commodity and gasoline taxes in so far as the price thereof is paid out of United States Government appropriations or out of funds contributed by the Japanese Government for disbursement by the United States.

4. The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for in Article XV in connection with the employment of workers to be provided for such organizations.

5. It is understood that the term "the legislation of Japan" mentioned in paragraph 5, Article XII includes decisions of the courts and the Labor Relations Commissions of Japan, subject to the provisions of paragraph 6, Article XII.

6. It is understood that the provisions of Article XII, paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.

7. It is understood that the organizations referred to in Article XV will be subject to the procedures of paragraph 6 on the basis of mutual agreement between the appropriate authorities.

*Article XIII*

With respect to Article XIII, paragraph 2 and Article XIV, paragraph 7, income payable in Japan as a result of service with or employment by the United States armed forces or by the organizations provided for in Article XV, or under contract made in the United States with the United States Government, shall not be treated or considered as income derived from Japanese sources.

*Article XV*

The facilities referred to in paragraph 1 may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

*Article XVII*

Re paragraph 1(a) and paragraph 2(a):

The scope of persons subject to the military laws of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2(c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a)(ii):

Where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

Re paragraph 3(c):

1. Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee.

2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3(a)(ii) committed against the State or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

Re paragraph 4:

Dual nationals, United States and Japanese, who are subject to the military law of the United States and are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for the purposes of this paragraph.

## Re paragraph 5:

1. In case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the United States military authorities provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The United States authorities shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

2. The United States military authorities shall promptly notify the Japanese authorities of the arrest of any member of the United States armed forces, the civilian component or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

## Re paragraph 9:

1. The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution:

(a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;

(b) He shall enjoy the right to a public trial by an impartial tribunal;

(c) He shall not be compelled to testify against himself;

(d) He shall be permitted full opportunity to examine all witnesses;

(e) No cruel punishments shall be imposed upon him.

2. The United States authorities shall have the right upon request to have access at any time to members of the United States armed forces, the civilian component, or their dependents who are confined or detained under Japanese authority.

3. Nothing in the provisions of paragraph 9(g) concerning the presence of a representative of the United States Government at the trial of a member of the United States armed forces, the civilian component or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provisions of the Japanese Constitution with respect to public trials.

## Re paragraphs 10(a) and 10(b):

1. The United States military authorities will normally make all arrests within facilities and areas in use by and guarded under

the authority of the United States armed forces. This shall not preclude the Japanese authorities from making arrests within facilities and areas in cases where the competent authorities of the United States armed forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake upon request to arrest such persons. All persons arrested by the United States military authorities, who are not subject to the jurisdiction of the United States armed forces, shall immediately be turned over to the Japanese authorities.

The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

2. The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities and areas in use by and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is desired by the Japanese authorities, the United States military authorities will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

#### *Article XIX*

Payment in Japan by the United States armed forces and by those organizations provided in Article XV to persons other than members of the United States armed forces, civilian component, their dependents and those persons referred to in Article XIV shall be effected in accordance with the Japanese Foreign Exchange Control Law and regulations. In these transactions the basic rate of exchange shall be used.

#### *Article XXI*

United States military post offices may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

#### *Article XXIV*

It is understood that nothing in this Agreement shall prevent the United States from utilizing, for the defrayment of expenses which

are to be borne by the United States under this Agreement, dollar or yen funds lawfully acquired by the United States.

C. A. H.  
N. K.

WASHINGTON, *January 19, 1960.*

---

**Exchange of Notes Between the Governments of Japan and the United States of America**

*The Secretary of State to the Japanese Prime Minister*

DEPARTMENT OF STATE,  
*Washington, January 19, 1960.*

**EXCELLENCY:**

I have the honor to refer to paragraph 6(d) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that "in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments."

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6(b) of Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6(c) of Article XII above on the basis of mutually agreeable criteria.

If the proposal made herein is acceptable to the Government of Japan, this Note and Your Excellency's reply to that effect shall be considered as constituting an agreement between the two Governments.

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

CHRISTIAN A. HERTER,  
*Secretary of State of the United States of America.*

His Excellency  
NOBUSUKE KISHI,  
*Prime Minister of Japan.*

*The Japanese Prime Minister to the Secretary of State*

WASHINGTON, *January 19, 1960.*

**EXCELLENCY:**

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honor to refer to paragraph 6(d) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United

States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that 'in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.'

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6(b) of Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6(c) of Article XII above on the basis of mutually agreeable criteria.

If the proposal made herein is acceptable to the Government of Japan, this Note and Your Excellency's reply to that effect shall be considered as constituting an agreement between the two Governments."

I have the honour to inform Your Excellency that the Government of Japan accepts the above proposal of the Government of the United States, and to confirm that your Note and this reply are considered as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI.

His Excellency

CHRISTIAN A. HERTER,

*Secretary of State*

*of the United States of America.*

## AGREEMENT CONCERNING THE STATUS OF UNITED STATES FORCES IN AUSTRALIA

Agreement and protocol signed at Canberra May 9, 1963;  
Entered into force May 9, 1963

The Government of the United States of America (in this Agreement called "the United States Government"), and the Government of the Commonwealth of Australia (in this Agreement called "the Australian Government"),

Recalling the Security Treaty which was concluded at San Francisco between Australia, New Zealand and the United States of America on the first day of September, 1951;

Considering that from time to time by arrangement between the Australian Government and the United States Government elements of the United States Forces and civilian components may be stationed in Australia;

Considering that the purpose of the presence of such United States Forces in Australia is the furtherance of the efforts of the two countries to promote peace and security in the Pacific and other areas of mutual interest;

Bearing in mind that the decision to station any such personnel in Australia, and the conditions under which they will be so stationed, will, insofar as such conditions are not laid down in the present Agreement, continue to be the subject of separate arrangements between the two Governments;

Desiring, however, to define the status of such personnel while in Australia;

Have agreed as follows:

### ARTICLE 1

In this Agreement, except where the contrary intention appears:

"Australia" includes the territories under the authority of the Commonwealth of Australia;

"members of the United States Forces" means personnel belonging to the land, sea or air armed services of the United States in Australia in connection with activities agreed upon by the two Governments, other than those for whom status is provided otherwise than under this Agreement;

"members of the civilian component" means civilian personnel in Australia in connection with activities agreed upon by the two Governments who are neither nationals of, nor ordinarily resident in, Australia, but who are:

- (a) employed by the United States Forces or by military sales exchanges, commissaries, officers' clubs, enlisted men's clubs or other facilities established for the benefit or welfare of United States personnel and officially recognised by the United States authorities as nonappropriated fund activities; or

(b) serving with an organisation which, with the approval of the Australian Government, is accompanying the United States Forces;

“dependant” means a person in Australia who is the spouse of, or other relative who depends for support upon, a member of the United States Forces or of the civilian component.

## ARTICLE 2

(1) The Australian Government shall facilitate the admission of members of the United States Forces and of the civilian component and dependants into, and their departure from, Australia in connection with activities agreed upon by the two Governments.

(2) The undermentioned documents only, which must be presented on demand, shall be required in respect of members of the United States Forces seeking to enter Australia:

(a) personal identity card issued by the appropriate United States authority showing full name, date of birth, rank and number (if any), service and photograph;

(b) individual or collective movement order issued by an appropriate United States authority and certifying to the status of the individual or group as a member or members of the United States Forces; and

(c) such documents conforming to standards approved by the World Health Organization as may be issued by the appropriate United States authorities in satisfaction of Australian health and quarantine regulations.

(3) Members of the civilian component and dependants shall be required to be in possession of a valid national passport and a certificate by the appropriate United States authority that the holder is a member of the civilian component or a dependant. The certificate will serve in lieu of a visa.

(4) The following additional conditions will apply with regard to the entry of members of the civilian component and dependants to any of the Territories of Papua and New Guinea, Norfolk Island, Nauru, Cocos (Keeling) Islands or Christmas Island:

(a) such persons travelling by ordinary commercial transport shall comply with the normal entry requirements of the Territory concerned, including, in the case of Papua and New Guinea and Nauru, prior application for a permit of entry;

(b) where such persons are travelling by special transport, the United States authorities shall give the Australian authorities twenty-four hours notice of the arrival of such persons; such notice may be given in a collective movement order or nominal roll.

(5) Members of the United States Forces and of the civilian component and dependants shall be exempt from Australian regulations on registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in Australia.

(6) If a person other than an Australian national admitted into Australia in accordance with this Agreement ceases while still in Australia to be a member of the United States Forces or of the civilian component or a dependant, the United States Government shall, within the framework of and subject to relevant United States laws and regu-

lations, take steps to effect the departure from Australia of that person within thirty days of his so ceasing to be such a member or dependant, unless with the approval of the Australian Government other arrangements are made. Where the former member or dependant has not left Australia at the end of thirty days of his ceasing to be a member or dependant and no other arrangements have been approved by the Australian Government, the United States authorities shall thereupon inform the Australian Government, giving particulars as may be required. Similar notification shall be given to the Australian Government concerning any members of the United States Forces who, after having been admitted into Australia, absent themselves for more than twenty-one days, otherwise than on approved leave.

(7) If the Australian Government has requested the removal from Australia of a member of the United States Forces or of the civilian component or a dependant admitted in accordance with this Agreement or has made a deportation order against a former member or dependant who has not formally been granted permanent residence in Australia, the United States authorities shall be responsible for the transportation from Australia of the person concerned, and, where applicable, his dependants without cost to the Australian Government.

#### ARTICLE 3

(1) The personal effects, furniture and household goods (other than motor vehicles and cigarettes, cigars, tobacco and spirituous liquors) of a member of the United States Forces or of the civilian component or of a dependant, may, at the time of the first arrival of the member to take up service in Australia or in the case of a dependant at the time of the first arrival of the dependant to join a member, be brought into Australia free of import duty, including sales tax, provided that, except as authorised by the appropriate Australian authority, the personal effects, furniture and household goods are not disposed of in Australia, by way of sale or gift or otherwise, within the period of two years immediately after their importation.

(2) Regulation military uniforms may be imported by a member of the United States Forces for his personal use free of import duties, including sales tax.

(3) A motor vehicle owned and used outside Australia by a member of the United States Forces or of the civilian component during the period of six months immediately preceding his first departure for Australia shall be eligible for admission into Australia free of import duty, including sales tax, provided that the vehicle remains in the use, ownership and possession of that member or, with the permission of the appropriate Australian authority, of another member during the period of two years immediately after the date of its importation.

(4) A motor vehicle which is not covered by paragraph (3) of this Article and which is intended to be exported may be imported temporarily free of import duty, including sales tax, by a member of the United States Forces or of the civilian component for the personal use of the member, provided that the vehicle is exported within three years or within such extended period as may be approved. With the permission of the appropriate Australian authority, a vehicle imported under this paragraph may be transferred to another member provided that it is exported by the latter member within three years from the date of importation or within such extended period as may be approved.

(5) Security may be required for compliance with the provisions of this Article.

## ARTICLE 4

(1) A member of the United States Forces who has not imported a motor vehicle into Australia under the provisions of paragraph (3) of Article 3 of this Agreement may, once during a tour of duty in Australia, purchase free of sales tax a motor vehicle manufactured or assembled in Australia provided that the vehicle remains in the use, ownership and possession of the member or, with the permission of the appropriate Australian authorities, of another member still eligible to avail himself of this concession during the period of two years immediately following the date of purchase or is exported during that period.

(2) Where the military authorities of the United States certify that the domestic circumstances of a member of the United States Forces are such that two vehicles are at the one time reasonably needed by him and his family, the member may acquire in Australia a second vehicle upon the purchase conditions set out in paragraph (1) of this Article.

(3) Security may be required for compliance with the provisions of this Article.

## ARTICLE 5

Goods admitted into or acquired in Australia free of import duties or sales tax for the personal use of a member of the United States Forces or of the civilian component or of a dependant may not be transferred to another person without the approval of the Australian authorities.

## ARTICLE 6

(1) Income derived by a member of the United States Forces or of the civilian component from rendering services as a member to the United States Government in Australia, shall be deemed not to have been derived in Australia, provided that it is not exempt, and is brought to tax, under the taxation laws of the United States. Members and their dependants other than persons who, immediately before becoming dependants, were and at all times thereafter have continued to be ordinarily resident in Australia shall not be subject to Australian tax in respect of income derived from sources outside Australia.

(2) Personal property which is situated in Australia solely because a member of the United States Forces or of the civilian component or a dependant is in Australia shall, in respect of the holding by, transfer by reason of the death of, or transfer to or by, such member or dependant, be exempt from taxation under the laws of the Commonwealth of Australia relating to estate and gift duty.

(3) The last preceding paragraph shall apply only if the property concerned is subject to and is brought to tax under the laws of the United States relating to estate or gift tax and shall not apply in relation to:

- (a) property held as, or for the purpose of, an investment;
- (b) intangible property registered and copyright subsisting in Australia; or

(c) property held in connection with the carrying on of any business in Australia.

## ARTICLE 7

When the legal incidence of any form of taxation in Australia depends upon residence or domicile, periods during which members of the United States Forces or of the civilian component or dependants are in Australia solely by reason of their membership in such Forces or in the civilian component or of their status as dependants shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation.

## ARTICLE 8

(1) Subject to the provisions of this Article:

(a) the military authorities of the United States shall have the right to exercise within Australia all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Australia shall have jurisdiction over members of the United States Forces and of the civilian component and dependants with respect to offences committed within Australia and punishable by the law of Australia.

(2) (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offences, including offences relating to its security, punishable by the law of the United States, but not by the law of Australia.

(b) The authorities of Australia shall have the right to exercise exclusive jurisdiction over members of the United States Forces and of the civilian component and dependants with respect to offences, including offenses relating to the security of Australia, punishable by the law of Australia but not by the law of the United States.

(c) For the purposes of this paragraph and paragraph (3) of this Article, an offence relating to the security of a State shall include:

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

(3) In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over persons subject to the military law of the United States in relation to:

(i) offences solely against the property or security of the United States, or offences solely against the person or property of a member of the United States Forces, the civilian component or a dependant;

(ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence the authorities of Australia shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as

soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

(4) The foregoing provisions of this Article shall not confer on the military authorities of the United States any right to exercise jurisdiction over persons who are nationals of or ordinarily resident in Australia unless they are members of the United States Forces.

(5) (a) The military authorities of the United States and the authorities of Australia shall assist each other in accordance with arrangements to be agreed to by them in the arrest of members of the United States Forces or of the civilian component or of dependants in Australia and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Australia shall notify promptly the military authorities of the United States of the arrest of any member of the United States Forces or of the civilian component or of a dependant.

(c) The custody of an accused member of the United States Forces or of the civilian component or of a dependant over whom Australia is to exercise jurisdiction shall, if he is in the hands of the United States authorities, remain with the United States to the extent authorized by United States law until he is charged by Australia.

(6) (a) The military authorities of the United States and the authorities of Australia shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure of and, in proper cases, the handing over of objects in connection with an offence. The handing over of such objects may, however, be made subject to their return within any reasonable time specified by the authority delivering them.

(b) The military authorities of the United States and the authorities of Australia shall notify each other of the disposal of all cases in which there are concurrent rights to exercise jurisdiction.

(7) (a) A death sentence shall not be carried out in Australia by the military authorities of the United States.

(b) The authorities of Australia shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the United States under the provisions of this Article within Australia.

(8) Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or by the authorities of Australia and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned or has had sentence suspended, he may not be tried again for the same offence within Australia. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of the United States Forces for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of Australia.

(9) Whenever a member of the United States Forces or of the civilian component or a dependant is prosecuted under the jurisdiction of Australia he shall be entitled:

(a) to a prompt and speedy trial;

- (b) to be informed, in advance of trial, of the specific charge or charges to be made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Australia;
- (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the part of Australia in which he is being prosecuted;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the United States Government and, when the rules of the court permit, to have such a representative at his trial.

## ARTICLE 9

Equipment, materials, supplies and other property imported into or acquired in Australia by or on behalf of the United States Government for the official use of the United States Forces and not for resale shall be free of all Australian duties and taxes. Except as may be otherwise agreed, title to such equipment, materials, supplies and other property shall remain in the Government of the United States, which may remove them from Australia at any time, free from export duties and related charges and restrictions.

## ARTICLE 10

(1) The Australian Government shall permit the establishment of United States commissaries in Australia in accordance with arrangements between the appropriate authorities of the two Governments.

(2) Goods for use in or sale by a commissary shall be free of import duty, excise duty and sales tax. Commissaries shall be exempt from Australian licensing requirements, fees and taxes.

(3) The United States authorities shall co-operate closely with Australian authorities to ensure the observance of the arrangements applicable to a commissary and to prevent resale on the local market of duty or tax free goods sold by a commissary and any other abuses of privileges exercisable through a commissary. In particular, the United States authorities shall strictly police personal quotas in respect of the purchase of duty or tax free goods.

(4) In this Article "commissary" means a commissary, military sales exchange, officers' club, enlisted men's club or like facility.

## ARTICLE 11

(1) United States Forces may, at the installations put at their disposal, establish and operate United States Military Post Offices for the handling of official correspondence and documents and mail of authorised individuals between these and other United States Post Offices. Detailed arrangements for the interchange of mails with or through the postal services of Australia shall be mutually agreed upon.

(2) The Australian authorities shall not inspect official mail in United States military postal channels. The United States authorities shall take all practicable steps to prevent items from entering Australia

through United States official mails in contravention of Australian health or quarantine regulations.

(3) Any inspection of non-official mail in such channels which may be required by the regulations of the Australian Government shall be conducted by the Australian authorities in accordance with procedures to be agreed upon by the appropriate authorities of the two Governments.

## ARTICLE 12

(1) Each Government waives all its claims against the other Government for damage to any property owned by it and used by its land, sea or air armed forces where such property is in Australia or is being used outside Australia in connection with mutual defence activities, such as mutual participation in operations or exercises, provided that such damage:

(a) was caused by a member or an employee of the armed forces of the other Government in the performance of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other Government and used by its armed forces provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims for maritime salvage by one Government against the other shall be waived, provided that the vessel or cargo salvaged was owned by a Government and being used by its armed forces for official purposes.

(2) (a) In the case of damage caused or arising as stated in paragraph (1) of this Article to other property owned by either Government and located in Australia, the issue of the liability of the other Government shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) of this paragraph shall be selected by agreement between the two Governments from amongst the nationals of Australia who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive.

(d) The amount of any compensation awarded by the arbitrator shall be distributed as follows:

(i) where the armed forces of one Government alone are responsible for the damage, the amount awarded shall be distributed in the proportion of 75 per cent chargeable to that Government and 25 per cent chargeable to the other Government;

(ii) where the two Governments are responsible for the damage, the amount awarded shall be distributed equally between them;

(iii) where the damage was caused by the armed forces of the United States or Australia and it is not possible to attribute responsibility for the damage specifically to one or both of those armed forces, the amount awarded shall be distributed equally between the United States and Australia.

(e) The remuneration of the arbitrator shall be fixed by agreement between the two Governments and shall together with the necessary expenses incidental to the performance of his duties be defrayed in equal proportions by them.

(f) Nevertheless, each Government waives its claim in any such case up to the amount of 1,400 United States dollars or 625 Australian pounds. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

(3) For the purposes of paragraphs (1) and (2) of this Article the expression "owned by a Government" in the case of a vessel includes a vessel on bare boat charter to that Government or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Government).

(4) Each Government waives all its claims against the other Government for injury or death suffered by any member of its armed forces while such member was engaged in the performance of his official duties.

(5) In accordance with the requirements of Australian law, the United States Government shall insure official vehicles of the United States Forces against third party risks.

(6) United States contractors and sub-contractors shall be required to effect public risk insurance.

(7) Except in the case of claims arising out of the use of official vehicles of the United States Forces insured in accordance with the requirements of Australian law, claims (other than contractual claims and those to which paragraph (9) of this Article apply) arising out of acts or omissions of members or employees of the United States Forces done in the performance of official duty, or out of any other act, omission or occurrence for which the United States Forces are legally responsible, and causing damage in Australia, other than damage suffered by one of the two Governments, shall, unless the interested parties otherwise agree, be dealt with by the Australian Government in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of Australia with respect to claims arising from the activities of Australia's own armed forces.

(b) The Australian Government may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the Australian Government.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent Australian tribunal or the final adjudication by such a tribunal denying payment, shall be a binding and conclusive discharge of the claim.

(d) Every claim paid by the Australian Government shall be communicated to the appropriate United States authorities together with full particulars and a proposed distribution in conformity with sub-paragraph (e) of this paragraph. In default of a reply within two months the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs of this paragraph shall be distributed between the Governments as follows:

(i) where the United States alone is responsible for the damage, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent chargeable to Australia and 75 per cent chargeable to the United States;

(ii) where the two Governments are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them;

(iii) where the damage was caused by the armed forces of the United States or Australia and it is not possible to attribute responsibility for the damage specifically to one or both of those armed forces, the amount awarded or adjudged shall be distributed equally between the United States and Australia.

(f) The provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage or discharge of a cargo other than claims for death or personal injury to which paragraph (4) of this Article does not apply.

(8) Every three months a statement of the sums paid by each Government in the course of the quarterly period in respect of every claim dealt with under paragraph (2) or (7) of this Article regarding which the proposed distribution on a percentage basis has been accepted shall be sent to the appropriate authorities of the other Government together with a request for prompt reimbursement.

(9) Except in the case of claims arising out of the use of official vehicles of the United States Forces insured in accordance with the requirements of Australian law, claims against members of the United States Forces and of the civilian component and dependants arising out of tortious acts or omissions in Australia not done in the performance of official duty shall be dealt with in the following manner:

(a) The Australian Government shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the United States Government which shall then decide without delay whether it will offer an *ex gratia* payment and if so, of what amount.

(c) If an offer of *ex gratia* payment is made and accepted by the claimant in full satisfaction of his claim, the United States Government shall make the payment itself and inform the authorities of Australia of its decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of Australia to entertain an action against a member of the United States Forces or of the civilian component or a dependant unless and until there has been payment in full satisfaction of the claim.

(10) If a dispute arises as to whether a tortious act or omission was done in the performance of official duty, the question shall be submitted to an arbitrator appointed in accordance with sub-paragraph (b) of paragraph (2) of this Article, whose decision on this point shall be final and conclusive.

(11) (a) The United States shall not claim immunity from the jurisdiction of the courts of Australia for members of the United States

Forces or of the civilian component or dependants in respect of the civil jurisdiction of the courts of Australia.

(b) In case any private movable property, excluding that in use by the United States Forces, which is subject to compulsory execution under Australian law, is within areas in use by the United States Forces, the United States authorities shall, upon request, assist the appropriate Australian authorities to take possession of such property.

(c) The authorities of the United States and Australia shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this Article.

(12) Paragraphs (2) and (7) of this Article shall apply only to claims arising incident to non combatant activities.

#### ARTICLE 13

Consistently with agreements for the time being in force between Australia and the United States of America, the United States Government shall conform to the provisions of relevant Commonwealth and State laws and regulations, including quarantine laws and industrial awards and determinations, and United States personnel shall observe those laws and regulations.

#### ARTICLE 14

(1) Australian authorities shall accept as valid, without a driving test or fee, a driving permit or licence issued by the appropriate United States authority to members of the United States Forces or of the civilian component for the purpose of driving military vehicles. For the purpose of driving vehicles other than military vehicles, a driving permit or licence issued by the appropriate Australian authorities shall be obtained.

(2) Official vehicles of the United States Forces shall carry a distinctive number.

(3) Privately owned vehicles of members of the United States Forces and of members of the civilian component and of dependants shall carry Australian number plates to be acquired under and subject to the applicable Australian laws and regulations.

#### ARTICLE 15

Local civil labour requirements of the United States Forces shall be satisfied in the same way as the comparable requirements of the Australian armed forces and, upon request, with the assistance of the Australian authorities.

#### ARTICLE 16

Members of the United States Forces and of the civilian component and dependants shall remain subject to the foreign exchange regulations of the United States and shall also be subject to the foreign exchange regulations of Australia.

#### ARTICLE 17

Whenever the United States flag is flown at an establishment of the United States Forces in Australia, the Australian national flag shall be flown on a separate and adjacent flagstaff.

## ARTICLE 18

Subject to any arrangement to the contrary between the authorities of the United States and Australia, the conditions governing the wearing of civilian dress by members of the United States Forces shall be the same as those applicable to members of the appropriate forces of Australia.

## ARTICLE 19

Members of the United States Forces may possess and carry arms on condition that they are authorised to do so by their orders, provided that arrangements regarding the carrying of arms outside areas and facilities in use by United States Forces are to be agreed between the appropriate authorities of the two Governments.

## ARTICLE 20

(1) Regularly constituted military units or formations of the United States Forces shall have the right to police any camps, establishments or other premises or areas of which the United States Forces have exclusive occupation as the result of arrangements with the Australian Government. United States military police may take all appropriate measures to ensure the maintenance of order and security in such premises or areas.

(2) Outside such premises and areas, United States military police will be employed only subject to arrangements with the appropriate Australian authorities and in liaison with such appropriate Australian authorities and in so far as such employment:

(a) is appropriate to provide for the protection of United States installations in premises or areas of which the United States Forces have the use, but not exclusive occupation: or

(b) is necessary to maintain discipline and order among the members of the United States Forces and to ensure their security.

(3) The United States Government may, after appropriate consultation in any case between the relevant authorities of the two Governments, designate areas comprising buildings or portions of buildings or installations in premises or areas of which the United States Forces have use or occupation to be areas into which only personnel authorised by the local United States Commander may enter. The United States Forces will be responsible for the internal security of areas so designated.

## ARTICLE 21

In cases in which the Australian Government or the Government of a State or the Administration of an Australian Territory is required to pay claims for which it is liable under Australian law arising out of the operations or activities of the United States Government or United States personnel who are in Australia for the purposes of this Agreement, the appropriate authorities of the United States Government shall seek necessary legislative authority to reimburse the Government or Administration concerned.

## ARTICLE 22

The United States Government shall co-operate with the Australian Government in preventing any abuses of the privileges granted in

this Agreement in favour of members of the United States Forces and the civilian component and dependants and shall take appropriate measures to this end.

#### ARTICLE 23

(1) The United States Forces and all persons associated with activities agreed upon by the two Governments may use the public services and facilities owned, controlled or regulated by the Australian Government or its instrumentalities. The terms of use, including charges, shall be no less favourable than those available to other users in like circumstances unless otherwise agreed.

(2) No landing charges shall, however, be payable by the United States Government by reason of the use by aircraft of the United States armed forces of any airport in Australia. The United States Government shall make such contribution to the maintenance and operating costs of any airport as may be fair and reasonable, having regard to the use made of the airport by aircraft operating in connection with activities of the United States Government. The amount of such contribution shall be the subject of agreement between the United States Government and the Australian Government. Aircraft owned or operated by or on behalf of the United States armed forces shall observe local Air Traffic Control Regulations while in Australia.

(3) No toll charges, including light and harbour dues, shall be levied upon vessels of the United States armed forces using port facilities owned, controlled or regulated by the Australian Government, nor shall such vessels be subject to compulsory pilotage at these ports.

#### ARTICLE 24

(1) This Agreement shall enter into force on the date of signature.

(2) Subject to the provisions of paragraph (3) of this Article, the Agreement shall remain in force for at least twenty-five years and thereafter until the expiration of 180 days from the date on which one Government gives to the other Government notice in writing that it desires to terminate the Agreement.

(3) In the event that the two Governments conclude an agreement concerning the status of both United States Forces in Australia and of Australian Forces in the United States, this Agreement shall terminate on the date when the first mentioned agreement enters into force.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed this Agreement.

Done at Canberra, in duplicate, this ninth day of May, One thousand nine hundred and sixty-three.

WM. C. BATTLE

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA

G. BARWICK

FOR THE GOVERNMENT OF THE  
COMMONWEALTH OF AUSTRALIA

**Protocol to the Agreement Concerning the Status of United States  
Forces in Australia**

The Government of the United States of America and the Government of the Commonwealth of Australia, having this day signed an Agreement concerning the status of United States Forces in Australia, agree that at a future date they will enter into negotiations for the conclusion of a reciprocal agreement which would govern the status of the forces of each Government in the territory of the other.

This Protocol shall enter into force on the date of signature.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed this Protocol.

Done at Canberra, in duplicate, this Ninth day of May, One thousand nine hundred and sixty-three.

WM. C. BATTLE

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA

G. BARWICK

FOR THE GOVERNMENT OF THE  
COMMONWEALTH OF AUSTRALIA

**CRIMINAL JURISDICTION ARRANGEMENTS UNDER THE  
PHILIPPINES-UNITED STATES MILITARY BASES AGREEMENT**

Agreement amending the agreement of March 14, 1947, as amended; Effected by exchange of notes signed at Manila August 10, 1965; Entered into force August 10, 1965

*The Philippine Secretary of Foreign Affairs to the American Ambassador*

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FOREIGN AFFAIRS  
OFFICE OF THE SECRETARY

MANILA, August 10, 1965

5949

EXCELLENCY:

I have the honor to refer to our recent discussions regarding revision of the arrangements for criminal jurisdiction under the Philippine-United States Military Bases Agreement of 1947,<sup>[1]</sup> and to propose the amendment of Article XIII of the Agreement by substituting the provisions set forth in the Annex to this note together with attached Agreed Official Minutes and Agreed Implementing Arrangements for the present provisions of Article XIII, except for paragraph 8 <sup>[2]</sup> of the present article concerning civil actions which I propose remain in effect.

In view of the great interest of the Philippine Government and people in a revision of arrangements governing criminal jurisdiction, I wish also to propose that pending the conclusion of continuing negotiations on other aspects of the Military Bases Agreement, the new criminal jurisdiction arrangements be implemented immediately.

Upon receipt of a note from Your Excellency indicating that the provisions contained in the Annex are acceptable to the United States Government, the Government of the Republic of the Philippines will consider that this note with its Annex and your reply thereto constitute an agreement between the two governments on this subject, the agreement to enter into force on the date of your note in reply.

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

M MENDEZ  
Mauro Mendez  
*Secretary of Foreign Affairs*

Annex

Criminal Jurisdiction Provisions with attached Agreed Official Minutes and Agreed Implementing Arrangements

<sup>1</sup> TIAS 1775; 61 Stat. (pt. 4) 4019.

<sup>2</sup> Paragraph 8 of Article XIII of the Agreement of March 14, 1947, reads as follows:

"In every case in which jurisdiction over an offense is exercised by the United States, the offended party may institute a separate civil action against the offender in the proper court of the Philippines to enforce the civil liability which under the laws of the Philippines may arise from the offense."

## ANNEX

To Department of Foreign Affairs Note No. 36949, dated August 10, 1965.

## ARTICLE XIII

1. Subject to the provisions of this Article,

(a) The authorities of the Republic of the Philippines shall have jurisdiction over the members of the United States armed forces or civilian component and their dependents with respect to offenses committed within the Republic of the Philippines and punishable by the law of the Republic of the Philippines;

(b) The military authorities of the United States shall have the right to exercise within the Republic of the Philippines all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

2. (a) The authorities of the Republic of the Philippines shall have the right to exercise exclusive jurisdiction over members of the United States armed forces or civilian component and their dependents with respect to offenses, including offenses relating to the security of the Republic of the Philippines, punishable by its law but not by the law of the United States;

(b) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of the Republic of the Philippines.

(c) For the purposes of this paragraph and of paragraph 3 of this article a security offense against a State shall include

(i) Treason against the State

(ii) Sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The authorities of the Republic of the Philippines shall have the primary right to exercise jurisdiction in all offenses except as enumerated in paragraph (b) hereof.

(b) The military authorities of the United States shall have the primary right to exercise jurisdiction over all persons subject to the military law of the United States in relation to

(i) offenses solely against the property or security of the United States, or offenses solely against the person or property of a member of the United States armed forces or civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right

in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in the Republic of the Philippines, unless they are members of the United States armed forces.

5. (a) The appropriate authorities of the Republic of the Philippines and the appropriate authorities of the United States shall assist each other in the arrest of members of the United States armed forces or civilian component and their dependents in the Republic of the Philippines and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the Republic of the Philippines shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces or civilian component or a dependent.

(c) The custody of an accused member of the United States armed forces or civilian component or dependent over whom the Republic of the Philippines is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by the Republic of the Philippines.

6. (a) The authorities of the Republic of the Philippines and United States shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the Republic of the Philippines and the United States shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in the Republic of the Philippines by the authorities of the United States if the legislation of the Republic of the Philippines does not provide for such punishment in a similar case.

(b) The authorities of the Republic of the Philippines shall give sympathetic consideration to a request from the authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the United States under the provisions of this Article within the Republic of the Philippines.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of the Republic of the Philippines or by the authorities of the United States and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the same territory by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its force for any violation of rules or discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of the Republic of the Philippines.

9. Whenever a member of the United States armed forces or civilian component or a dependent is prosecuted under the jurisdiction of the Republic of the Philippines he shall be entitled

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process obtaining witnesses in his favor, if they are within the jurisdiction of the Republic of the Philippines;
- (e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in the Republic of the Philippines;
- (f) if he considers it necessary, to have the services of a competent interpreter;
- (g) to communicate with a representative of the Government of the United States; and
- (h) to have a representative of the United States Government present during the trial, which will be public except when the court decrees otherwise in accordance with Philippine law.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the Republic of the Philippines. The military police of the United States armed forces may take all appropriate measures to ensure the maintenance of order and security of such premises.

(b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the Republic of the Philippines and in liaison with those authorities, and insofar as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

11. The Government of the Republic of the Philippines shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records, and official information of the United States Government and the punishment of persons who may contravene laws enacted for that purpose.

#### AGREED OFFICIAL MINUTES

##### REGARDING ARTICLE XIII OF THE MILITARY BASES AGREEMENT AS REVISED

1. The primary jurisdiction of the United States under paragraph 3(b) will extend only to those persons subject to the military law of the United States regularly assigned to the Philippines or present in the Philippines in connection with the presence there of the U.S. bases.

The term "persons subject to the military law of the United States" does not apply to members of the civilian component or dependents, with respect to whom there is no effective military jurisdiction at the time this arrangement enters into force. If the scope of U.S. military jurisdiction changes as a result of subsequent legislation, constitutional

amendment or decision by appropriate authorities of the United States, the Government of the United States shall inform the Government of the Philippines through diplomatic channels.

2. The term "official duty" appearing in Section 3(b)(ii) of this Article is understood to be any duty or service required or authorized to be done by statute, regulation, the order of a superior or military usage. Official duty is not meant to include all acts by an individual during the period while he is on duty, but is meant to apply only to acts which are required or authorized to be done as a function of that duty which the individual is performing.

3. Whenever it is necessary to determine whether an alleged offense arose out of an act or omission done in the performance of official duty, a certificate issued by or on behalf of the commanding officer of the alleged offender or offenders, on advice of the Staff Legal Officer or Staff Judge Advocate, will be delivered promptly to the city or provincial fiscal (prosecuting attorney) concerned, and this certificate will be honored by the Philippine authorities.

In those cases where the Secretary of Justice of the Republic of the Philippines considers that discussion of a certificate of official duty is required in the circumstances, it shall be made the subject of review through discussions between appropriate officials of the Government of the Republic of the Philippines and the diplomatic mission of the United States provided a request is received by the diplomatic mission within ten days from receipt of the certificate by the fiscal.

4. The authorities of the Republic of the Philippines, recognizing that it is the primary responsibility of the United States authorities to maintain good order and discipline where persons subject to the military law of the United States are concerned, will, upon the request of the United States authorities, waive their primary right to exercise jurisdiction under section 3(a) of this Article, except where they determine that it is of particular importance that jurisdiction be exercised by the Philippine authorities.

5. In all cases over which the Republic of the Philippines exercises jurisdiction, the custody of an accused member of the United States armed forces, civilian component, or dependent, pending investigation, trial and final judgment, shall be entrusted without delay to the commanding officer of the nearest base, who shall acknowledge in writing (a) that such accused has been delivered to him for custody pending investigation, trial and final judgment in a competent court of the Philippines and (b) that he will be made available to the Philippine authorities for investigation upon their request and (c) that he will be produced before said court when required by it. The commanding officer shall be furnished by the fiscal (prosecuting attorney) with a copy of the information against the accused upon the filing of the original in the competent court.

6. Notwithstanding the foregoing provisions, it is mutually agreed that in time of war the United States shall have the right to exercise exclusive jurisdiction over any offenses which may be committed by members of the armed forces of the United States in the Philippines.

7. The United States agrees that it will not grant asylum in any of the bases to any person fleeing from the lawful jurisdiction of the Philippines. Should any such person be found in any base, he will be surrendered on demand to the competent authorities of the Philippines.

8. The provisions of this agreement shall not apply to any offense committed before its coming into effect. Such cases shall be governed by the provisions of Article XIII of the Military Bases Agreement as it existed prior to this amendment.

#### AGREED IMPLEMENTING ARRANGEMENTS

##### REGARDING ARTICLE XIII OF THE MILITARY BASES AGREEMENT AS REVISED

1. If either Government desires to request a waiver of the other government's primary right to exercise jurisdiction, a written request shall be made within ten days of receipt of notification of the commission of an offense. A Philippine request for waiver will be delivered to the United States commander concerned, and a United States request for waiver will be delivered to the city or provincial fiscal concerned.

If either Government is not advised by the other Government within fifteen days of the date of receipt by such other Government of a request for a waiver of jurisdiction that jurisdiction will be exercised by such other Government (the criteria for waiver requests and retention of primary jurisdiction are set forth in paragraph 3(c) and Agreed Official Minute No. 4), the requesting Government shall be free to exercise jurisdiction.

If either Government, however, notifies the other Government that for special reasons it desires to reserve decision with respect to the exercise of jurisdiction, the requesting Government will not be free to exercise its jurisdiction until notice is received that the other Government will not exercise jurisdiction or until the expiration of an additional period of fifteen days, whichever is sooner.

To facilitate the expeditious disposal of offenses of minor importance, arrangements may be made between the U.S. military authorities and the competent Philippine authorities to dispense with the necessity for a request for a waiver of jurisdiction to be made in each particular case.

2. a. The U.S. military authorities will normally make all arrests, or otherwise take persons into custody, within U.S. bases. This shall not preclude the Philippine authorities from doing so within the bases where the base commander or his authorized representative has given consent, or in the case of pursuit of a flagrant offender who has committed a serious crime.

If the Philippine authorities desire that persons not subject to the jurisdiction of the U.S. armed forces who are within U.S. bases be arrested or taken into custody, the U.S. military authorities will undertake, upon request, and within the limits of their authority, to make the arrest or take them into custody. All persons arrested or taken into custody by the U.S. military authorities who are not subject to the jurisdiction of the U.S. armed forces shall immediately be turned over to the Philippine authorities for compliance with formalities required by Philippine law and for custody except as provided by Agreed Minute Number 5.

The U.S. military authorities may apprehend inside and in the vicinity of the U.S. bases any person in the commission or attempted commission of an offense against the security of that base. Any such person not subject to the jurisdiction of the U.S. armed forces shall

immediately be turned over to the Philippine authorities for compliance with formalities required by Philippine law and for custody except as provided by Agreed Minute Number 5.

b. The Philippine authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within the bases in use by and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search, seizure, or inspection by the Philippine authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within the bases in use by the United States armed forces or with respect to property of the United States armed forces in the Philippines is desired by Philippine authorities, the United States military authorities will undertake, upon request, and within the limits of their authority, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States, to the extent permitted under its law, will turn over such property to the Philippine authorities for disposition in accordance with the judgment.

3. The confinement or detention by Philippine authorities of members of the United States armed forces or the civilian component, or dependents, shall be carried out in facilities agreed on by appropriate authorities of the Republic of the Philippines and the United States. The appropriate authorities of the United States will be authorized to visit these persons upon request at the place of confinement and will be authorized to provide in appropriate cases supplementary care and provisions for such persons, such as clothing, food, bedding, and medical and dental treatment.

4. A Criminal Jurisdiction Implementation Committee shall be established as a means for consultation between the two governments on matters requiring mutual consultation in the implementation of the criminal jurisdiction arrangements. Each government shall appoint a co-chairman and an equal number of such additional representatives of the armed services or civilian agencies as may be determined by mutual consultation between the two governments. The committee will establish its own rules of procedure.

The committee shall be so organized that it may meet promptly at any time upon the request of either of the two governments. Any matter which the committee is unable to resolve shall be referred to the respective governments for further consideration

---

*The American Ambassador to the Philippine Secretary of Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Manila, August 10, 1965.*

No. 120

**EXCELLENCY:**

I have the honor to acknowledge Your Excellency's note No. 36949 dated August 10, 1965 with Annex regarding revision of criminal

jurisdiction arrangements under the Philippine-United States Military Bases Agreement of 1947.

I have the honor to inform Your Excellency that the provisions contained in that Annex are acceptable to the United States Government, and that my Government agrees that Your Excellency's note and this reply shall constitute an agreement between our two Governments to enter into force on the date of this note.

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

WILLIAM McCORMICK BLAIR, Jr.

His Excellency

MAURO MENDEZ,

*Secretary of Foreign Affairs,  
Manila.*

**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA  
AND THE REPUBLIC OF CHINA ON THE STATUS OF UNITED  
STATES ARMED FORCES IN THE REPUBLIC OF CHINA**

Agreement, incorporating agreed minutes, signed at Taipei  
August 31, 1965; Entered into force April 12, 1966  
With exchange of notes

Whereas the United States of America and the Republic of China on December 2, 1954, signed a Mutual Defense Treaty which contains in Article VII [1] provisions for the disposition of United States land, air and sea forces in and about Taiwan and Penghu (the Pescadores); and

Whereas, in implementing the aforementioned treaty provisions the United States of America and the Republic of China are desirous of defining the status of such United States armed forces as are now or may be, by mutual agreement, in and about Taiwan and Penghu (the Pescadores) except for the United States Military Assistance Advisory Group, for which status has otherwise been provided;

Therefore the United States of America and the Republic of China have entered into this agreement in the terms set forth below:

**ARTICLE I**

1. In this Agreement, the expression—

(a) "Agreement Area" means the area in and about Taiwan and Penghu (the Pescadores);

(b) "members of the United States armed forces" means the military personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the Agreement Area, except members of the United States Military Assistance Advisory Group;

(c) "members of the civilian component" means the civilian personnel who are in the employ of, serving with or accompanying the United States armed forces in the Agreement Area, except members of the United States Military Assistance Advisory Group and persons who are nationals of China or who are ordinarily resident in the Agreement Area or who are mentioned in paragraph 1 of Article XII of this Agreement;

(d) "dependents" means (i) spouse, and children under 21, and (ii) children over 21 and close relatives, if dependent for over half of their support upon a member of the armed forces or civilian component.

2. For the purpose of this Agreement, persons with dual United States-Chinese nationality or dual United States and third country nationality, who are brought into the Agreement Area by the United States Government shall be considered as United States nationals.

<sup>1</sup> *Ante*, p. 102.

The foregoing shall apply also to dependent children who are dual nationals and who are born in the Agreement Area of parents at least one of whom was brought into the Agreement Area by the United States Government.

## ARTICLE II

1. The United States armed forces may conduct all activities and operations necessary for the accomplishment of their mission under the Mutual Defense Treaty of 1954 and shall act in the closest collaboration with the appropriate Chinese authorities through channels mutually agreed upon.

2. The appropriate Chinese authorities shall cooperate fully with the United States armed forces to facilitate the accomplishment of such mission.

## ARTICLE III

1. The Government of the Republic of China undertakes, without prejudice to the minimum requirement of its own military activities and operations, to furnish to the United States, free of charge and without present or future liability, including claims incident to the use thereof, such areas and existing facilities, including utility connections, access roads, water rights, and, subject to mutual agreement, such other rights of use as are required by the United States armed forces for their mission under the Mutual Defense Treaty of 1954. To the extent not already accomplished, the exact location of such areas and facilities shall be determined by the appropriate United States and Chinese authorities through mutual consultation.

2. Expenses involved in the development of such areas and facilities for the exclusive use of the United States armed forces shall be borne by the United States. Where such areas or facilities are, by agreement, to be developed for joint use, the cost of such development shall be shared by the two Governments on the basis of proportionate usage, unless agreed otherwise by the appropriate authorities of the two Governments.

3. The United States armed forces may carry out, through such means as they may adopt, including the use of United States contractors and military construction units, such construction, development, maintenance and improvement as may be required within the areas and facilities made available for their use by the Government of the Republic of China. The Chinese military authorities will be consulted prior to any major alterations in existing buildings, and prior to any new construction or development which may affect military security, public safety or public health in the Agreement Area. It is further agreed that Chinese contractors shall be used to the maximum practicable extent for such purposes; the decision as to their use is left to the discretion of the United States military authorities.

4. The cost of maintaining the areas and facilities jointly used by the United States and the Republic of China under this Agreement shall be shared by the two Governments on the basis of proportionate usage, unless otherwise agreed by the appropriate authorities of the two Governments.

5. Military agreements for the implementation of this Article shall be negotiated and signed by the military authorities of the two Governments.

6. The Government of the United States and the Government of the Republic of China will cooperate in taking such steps as may from time to time be necessary to ensure: (a) the security of the United States armed forces, the members thereof and of the civilian component, their dependents, and their property; (b) the security of installations, equipment, property, records, and official information of the United States; and (c) the punishment of offenders under the applicable laws of the Republic of China.

#### Agreed Minutes to Article III

1. Within the areas and facilities made available under this Agreement the United States military authorities may designate areas into which only personnel authorized by the local United States Commander may enter. The United States military authorities will be responsible for the internal security of these areas.

2. Members of the United States armed forces and civilian component may carry arms while entering, leaving or within the Agreement Area when their official duties require them to do so. However, they shall observe the pertinent regulations on civil aviation of the Government of the Republic of China.

3. The Chinese military authorities shall be informed prior to any major alteration in existing buildings, and prior to any new construction or development. Major alterations to buildings furnished by the Government of the Republic of China shall be accomplished with the consent of Chinese military authorities.

#### ARTICLE IV

1. The areas and facilities made available by the Government of the Republic of China for the use of the United States armed forces shall be returned to the Government of the Republic of China whenever they are no longer needed for the purposes of this Agreement, and the United States Government agrees to keep its needs under continual observation with a view toward such return.

2. The United States Government is not obliged, when it returns such areas and facilities to the Republic of China, to restore them to the condition in which they were at the time they were made available to the United States armed forces or to compensate the Republic of China in lieu of such restoration.

3. At the termination of any activities or operations under this Agreement, the United States will be compensated by the Government of the Republic of China for the residual value (including scrap value), if any, of any installations or improvements used in such activities or operations and developed by the United States armed forces at their expense, if such installations or improvements have been or are to be sold, or if their use is desired, by the Republic of China. The residual value, if any, shall be determined by mutual agreement between the United States armed forces and the appropriate Chinese authorities.

#### ARTICLE V

1. Title to removable equipment, materials and supplies brought into or acquired in the Agreement Area by or on behalf of the United States armed forces shall remain with the United States unless otherwise agreed upon between the two Governments.

2. Such equipment, materials and supplies may be removed from the Agreement Area at any time. They may also be disposed of in the Agreement Area in accordance with arrangements between the appropriate authorities of the United States and the Republic of China relating to the disposal by the United States armed forces of their excess property.

## ARTICLE VI

1. (a) The United States armed forces, in their activities and operations, shall endeavor not to interfere unnecessarily with navigation, aviation, communication or land travel to or from or within the Agreement Area. All questions relating to frequencies, power and like matters, used by active electronic devices employed by the United States armed forces shall be settled by mutual agreement between appropriate authorities of the two Governments.

(b) As a temporary measure, the United States armed forces shall be entitled to use, without radiation interference from Chinese sources, electronic devices of such power, type of emission, and frequencies as are reserved for such forces at the time this Agreement becomes effective.

2. Activities and operations in the areas and facilities in use by the United States armed forces shall be carried on with due regard for public safety.

## ARTICLE VII

1. The United States shall have the right to bring into the Agreement Area for purposes of this Agreement persons who are members of the United States armed forces or the civilian component, and their dependents.

2. If the Chinese Government has requested the removal from the Agreement Area of a member of the United States armed forces or the civilian component, or a dependent, the United States Government shall be responsible for transportation and other arrangements of departure.

3. Members of the United States armed forces shall be exempt from Chinese passport and visa laws and regulations in entering or leaving the Agreement Area. Members of the United States armed forces or the civilian component, and their dependents, shall be exempt from Chinese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to domicile or permanent residence in the Agreement Area.

4. Upon entry into or departure from the Agreement Area, members of the United States armed forces shall be in possession of, and present for examination by the Chinese authorities, the following documents:

(a) personal identity card showing name, date of birth, rank and number, service and photograph, and

(b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For the purpose of their identification while in the Agreement Area, members of the United States armed forces shall be in possession of the above-mentioned personal identity card.

5. Members of the civilian component, their dependents, and dependents of the members of the United States armed forces shall be

in possession of, and present for examination by the Chinese authorities, valid passports when entering or leaving the Agreement Area. Such persons shall be in possession of appropriate documents issued by the United States authorities so that their status may be verified by the Chinese authorities while in the Agreement Area.

6. The United States military authorities shall furnish to the Chinese military authorities samples of the personal identity card and name lists of those in the Agreement Area who have been issued such a card, and statistics regarding the number of military and civilian personnel and dependents in the Agreement Area.

7. If the status of a member of the United States armed forces or the civilian component, or of a dependent, is altered so that his or her presence in the Agreement Area is no longer connected with the United States armed forces, the United States authorities shall immediately inform the Chinese authorities and shall, if such person be required by the Chinese authorities to leave the Agreement Area, assure that transportation from the Agreement Area will be provided within a reasonable time at no cost to the Government of the Republic of China.

#### ARTICLE VIII

1. All equipment, materials, and supplies, imported by or on behalf of the United States armed forces for the official use of the United States armed forces, or for the personal use of the members of the United States armed forces or the civilian component, and their dependents, shall be permitted entry into the Agreement Area free from customs duties and other related charges.

2. Save as provided expressly to the contrary in this Agreement:

(a) members of the United States armed forces or the civilian component, and their dependents, shall be subject to the laws and regulations administered by the customs authorities of the Republic of China;

(b) the customs authorities of the Republic of China shall have the right, under the general conditions laid down by the laws and regulations of the Government of the Republic of China, to search members of the United States armed forces and the civilian component, and their dependents, and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

3. Property consigned to and for the personal use of members of the United States armed forces or the civilian component, and their dependents, shall be subject to customs duties and other related charges, except that duties or charges shall not be paid with respect to:

(a) furniture, household goods, and personal effects for their private use imported by the members of the United States armed forces or the civilian component, and their dependents, when they first arrive in the Agreement Area or within six months after their first arrival;

(b) vehicles imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents, and parts as may be required for the proper maintenance of such vehicles;

(c) reasonable quantities of furniture, household goods, and personal effects for the private use of members of the United

States armed forces or the civilian component, and their dependents, which are: (i) mailed into the Agreement Area through United States military post offices; or (ii) brought in to the Agreement Area subsequent to the six months period after their first arrival by such persons under special conditions and upon request made on their behalf by their commanding officers to the appropriate Chinese authorities.

4. Appropriate certification by the United States military authorities is required for granting exemption under paragraph 1 of this Article where property does not accompany the importer. Appropriate control measures shall be effected by the United States military authorities to carry out the intent of paragraph 3 of this Article and the Government of the Republic of China shall be informed of such measures.

5. The exemptions granted in paragraphs 1 and 3 of this Article shall not be interpreted as refunding customs duties and other related charges already collected by the Chinese customs authorities on imported goods when purchased in the local market in the Agreement Area.

6. Customs examinations shall not be made in the following cases:

(a) units and members of the United States armed forces under orders, other than leave orders, entering or leaving the Agreement Area;

(b) official documents and courier and communications documents under official seal;

(c) mail in United States military postal channels; and

(d) equipment, materials, and supplies shipped by, to, or on behalf of the United States armed forces and certified by them to be for their official use.

7. Goods imported into the Agreement Area free of duty shall not be disposed of in the Agreement Area to persons not entitled to import such goods duty free, unless in accordance with measures agreed upon between the appropriate authorities of the two Governments.

8. Goods imported into the Agreement Area free from customs duties and other related charges pursuant to paragraphs 1 and 3, or acquired in the Agreement Area, may be exported free from duties and other related charges.

9. The United States armed forces, in cooperation with the appropriate Chinese authorities, shall take such steps as are necessary to prevent abuses of privileges granted to the United States armed forces, members of such forces and the civilian component, and their dependents, in accordance with this Article.

10. (a) In order to prevent offenses against laws and regulations administered by the Chinese customs authorities, the United States armed forces and the appropriate Chinese authorities shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of the Republic of China are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure that members of such forces and the civilian component, and their dependents, will pay duties, taxes, and penalties payable by such persons.

(d) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Government of the Republic of China in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate United States military authorities.

*Agreed Minute to Article VIII, Paragraph 3(b)*

1. Not more than one motor vehicle per family may be imported duty free by members of the United States armed forces or the civilian component for the private use of themselves or their dependents, except for a replacement vehicle if certified to be necessary by the appropriate military authorities of the United States.

2. A replacement vehicle will not be certified as necessary unless the first vehicle is unusable and not economically repairable. Such a vehicle may be sold only for scrap. A replacement vehicle shall not be disposed of in the Agreement Area to persons not entitled to import a vehicle duty free, unless in accordance with measures agreed upon between the appropriate authorities of the two Governments.

ARTICLE IX

The United States armed forces may, subject to control measures which are or may hereafter be enforced by the Government of the Republic of China to ensure economic stability, obtain facilities, commodities and services from local sources in the Agreement Area. The appropriate Chinese authorities will assist and use their good offices insofar as practicable to see that such procurement is carried out on terms generally not less favorable than those accorded to agencies of the Government of the Republic of China under similar circumstances.

*Agreed Minute to Article IX*

The procurement of "services" as used in Article IX also refers to the local employment by the United States forces of citizens or residents of the Agreement Area.

ARTICLE X

1. Equipment, materials, supplies and services procured by or on behalf of the United States armed forces in the Agreement Area shall, upon appropriate certification, be exempt from Commodity Tax, Salt Tax, Fuel Tax, and other taxes which may be found to constitute a significant and readily identifiable part of the gross purchase price of equipment, materials, supplies, and services thus procured. In the event of a disagreement as to whether there should be an exemption from a certain tax, the United States Government and the Government of the Republic of China will agree upon a procedure for granting such exemption or relief as is consistent with the purposes of this Article.

2. Members of the United States armed forces, or the civilian component, and their dependents, shall be exempt from any direct tax imposed on income, except income derived from sources in the Agreement Area other than that resulting from service with or employment by the United States armed forces or by the corporations provided for in Article XII of this Agreement or by other United States governmental establishments in the Agreement Area.

3. Members of the United States armed forces, or the civilian component, and their dependents, shall not be exempt from taxes relating to personal purchases of goods, services or real property except as provided in Article XIII of this Agreement. Members of the United States armed forces or the civilian component, and their dependents, shall be exempt from taxation in the Agreement Area on the holding, use, transfer, "inter se" or transfer by death, of movable property, tangible or intangible, the presence of which in the Agreement Area is due solely to the temporary presence of those persons therein. Such exemption shall not apply to property held for the purpose of investment in, or conduct of, business in the Agreement Area, or to any intangible property registered with the Government of the Republic of China.

4. Unless in accordance with procedures mutually agreed upon by the appropriate authorities of the two Governments, goods purchased tax-free in the Agreement Area by or on behalf of the United States armed forces shall not be disposed of in the Agreement Area to persons not entitled to such tax exemptions.

5. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates issued by the United States military authorities or individual markings which will readily identify them. Such vehicles shall be exempt from all taxes, including the Operation-License Tax. They shall also be exempt from taxes or tolls payable in respect of the use of roads, except that they shall pay the same rates as comparable vehicles of the armed forces of the Republic of China for the use of roads which have been constructed or improved by private persons.

6. Privately owned vehicles shall carry license plates to be acquired from the appropriate Chinese authorities, but shall be exempt from the Operation-License Tax. Such vehicles shall not be exempt from license fees or from tolls imposed for the use of roads and bridges by such vehicles. Such fees or tolls shall not be greater than those paid by nationals of the Republic of China on comparable vehicles.

#### ARTICLE XI

1. Members of the United States armed forces or the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of the Republic of China.

2. The United States armed forces, members of such forces or the civilian component, and their dependents, may use Chinese currency available in any United States accounts or acquired in accordance with foreign exchange control laws and regulations of the Republic of China.

3. (a) The United States armed forces may import, possess, or re-export for official purposes non-Chinese currencies and instruments. The members of the United States armed forces or the civilian component, and their dependents, may import, possess, or re-export non-Chinese currencies and instruments obtained as a result of service with or employment by the United States armed forces in connection with this Agreement or derived from transactions authorized by this Agreement or realized from sources outside the Agreement Area.

(b) The United States armed forces, members of such forces or the civilian component, and their dependents, shall not use non-Chinese

currencies or instruments in payment for purchases of goods or services in the Agreement Area nor enter into any contract calling for payment in non-Chinese currencies or instruments in violation of foreign exchange controls of the Government of the Republic of China with any unauthorized persons, firms, or organizations, or with any persons, firms, or organizations ordinarily resident in the Agreement Area.

(c) The foregoing shall not preclude the use of non-Chinese currencies or instruments by the United States armed forces, member of such forces or the civilian component, and their dependents, for transactions involving only authorized United States organizations, activities, or personnel, or use in the purchase of goods or services from sources outside the Agreement Area.

4. The United States authorities shall, in cooperation with the Government of the Republic of China, take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Chinese foreign exchange controls.

5. The United States may enter into contracts with American financial institutions to maintain and operate, under applicable United States banking regulations, military banking facilities for the use of the United States armed forces, members of such forces or the civilian component, and their dependents, and other persons authorized by the appropriate authorities of the Republic of China. Such facilities shall be permitted to maintain accounts in non-Chinese currencies and instruments and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided in this Article.

#### ARTICLE XII

1. Persons, including corporations organized under the laws of the United States, and their employees, and their dependents, who are United States nationals, or third country nationals with permanent residence in the United States and acceptable to the Government of the Republic of China, and whose presence in the Agreement Area is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces shall, except as provided in this Article, be subject to the laws and regulations of the Republic of China.

2. The appropriate United States authorities shall inform the appropriate Chinese authorities as to the identity of such persons and their employees, and their dependents, before they are brought into the Agreement Area. Upon receipt of such information by the appropriate Chinese authorities, such persons and their employees and their dependents, shall be accorded the following treatment:

(a) In entering or leaving the Agreement Area they shall be in possession of valid passports which shall be presented for examination by the Chinese authorities upon demand. They shall be exempt from Chinese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to domicile or permanent residence in the Agreement Area. They shall be in possession of appropriate documentation issued by the United States authorities and certified by appropriate Chinese authorities so that their status may be verified by Chinese authorities while in the Agreement Area.

(b) They shall be accorded exemption from customs duties and related charges as provided for members of the civilian component under Article VIII of this Agreement.

(c) They shall be exempt from income or corporation taxes on any income derived from a contract with the United States Government in connection with the construction, maintenance or operation of any of the areas or facilities covered by this Agreement. Other income derived from sources within the Agreement Area shall not by virtue of this provision be exempt from Chinese income or corporation taxes.

(d) They shall not be exempt from taxes relating to personal purchases of goods, services or real property except as provided in Article XIII of this Agreement. They shall be exempt from taxation in the Agreement Area on the holding, use, transfer "inter se" or transfer by death, of movable property, tangible or intangible, the presence of which in the Agreement Area is due solely to the temporary presence of those persons therein. Such exemption shall not apply to property held for the purpose of investment in, or conduct of, business in the Agreement Area, or to any intangible property registered with the Government of the Republic of China.

(e) They may import, possess, or re-export non-Chinese currencies and instruments obtained as a result of service with or employment by the United States armed forces in connection with this Agreement or derived from transactions authorized by this Agreement or realized from sources outside the Agreement Area. They shall not use non-Chinese currencies or instruments in payment for purchases of goods or services in the Agreement Area nor enter into any contract calling for payment in non-Chinese currencies or instruments in violation of foreign exchange controls of the Government of the Republic of China with any unauthorized persons, firms, or organizations, or with any persons, firms, or organizations ordinarily resident in the Agreement Area, except for transactions involving only authorized United States organizations, activities, or personnel or use in the purchase of goods or services from sources outside the Agreement Area. But in re-exporting non-Chinese currencies and instruments a certification by the appropriate United States authorities shall be required. They may use, under applicable United States regulations, the banking facilities provided in Article XI, paragraph 5, for the use of the United States armed forces and, members of such forces or the civilian component.

(f) They shall be exempt from the laws and regulations of the Republic of China in regard to terms and conditions of their employment (i) in connection with the execution of contracts with the United States for the benefit of the United States armed forces or (ii) with the United States armed forces.

(g) If authorized by the United States Government, they may use the services of the activities mentioned in paragraph 1, Article XIII, of this Agreement, and the United States military postal facilities for official mail only.

*Agreed Minute to Article XII, Paragraph 2(b)*

1. Such property, materials, equipment, supplies, and motor vehicles, imported free of duty into the Agreement Area for the execu-

tion of contracts with the United States for the benefit of the United States armed forces, as do not become a part of the completed works, shall remain the property of their importers, and may be removed from the Agreement Area at any time or disposed of in the Agreement Area in accordance with measures similar to those used for the disposal of surplus property of the United States armed forces and subject to claims resulting from contractual obligations assumed in dealings with persons residing in the Agreement Area or the Government of the Republic of China.

2. Not more than one motor vehicle per family may be imported duty free by such persons and their employees for the private use of themselves or their dependents, with the understanding that such vehicles may be disposed of in the Agreement Area only for scrap, or must otherwise be exported upon the owner's departure.

#### ARTICLE XIII

1. Commissaries, post exchanges, navy exchanges, messes, social clubs, theaters and other non-appropriated fund activities authorized and regulated by the United States military authorities may be established in the areas and facilities in use by the United States armed forces for the use of members of such forces or the civilian component, and their dependents, and such other persons as may be approved for this purpose by arrangement between the appropriate United States and Chinese authorities. Such activities shall not be subject to Chinese laws and regulations in respect to licensing, fees, taxes, charges, registration and inspection, or similar controls.

2. (a) No Chinese tax shall be imposed on sales of merchandise or services by such activities.

(b) Purchases within the Agreement Area of merchandise and supplies by such activities shall be subject to normal Chinese taxes.

3. Except as such disposal may be authorized by the appropriate authorities of the two Governments in accordance with mutually agreed conditions, goods which are sold by such activities shall not be disposed of in the Agreement Area to persons not authorized to make purchases from such activities.

#### ARTICLE XIV

1. Subject to the provisions of this Article:

(a) the military authorities of the United States shall have the right to exercise with respect to offenses committed within the Agreement Area all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of the Republic of China shall have jurisdiction over the members of the United States armed forces or civilian component, and their dependents, with respect to offenses committed within the Agreement Area and punishable by the law of the Republic of China.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of the Republic of China.

(b) The authorities of the Republic of China shall have the right to exercise exclusive jurisdiction over members of the United States armed forces or civilian component, and their dependents, with respect to offenses, including offenses relating to the security of the Republic of China, punishable by its law but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include:

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In the cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over all persons subject to the military law of the United States, in relation to:

(i) offenses solely against the property or security of the United States, or offenses solely against the person or property of a member of the United States armed forces or civilian component, or a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense, the authorities of the Republic of China shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in the Republic of China, unless they are members of the United States armed forces.

5. (a) The appropriate authorities of the United States and the authorities of the Republic of China will undertake, within the limits of their authority, to assist each other in the arrest of members of the United States armed forces or civilian component, and their dependents, in the Agreement Area and in handing them over to the authority which is to have custody in accordance with the provisions of this Article.

(b) The authorities of the Republic of China shall notify promptly the appropriate authorities of the United States of the arrest of any member of the United States armed forces or civilian component, or a dependent.

(c) The custody of an accused member of the United States armed forces or civilian component, or a dependent, shall be promptly entrusted to the military authorities of the United States pending conclusion of all judicial proceedings. The United States military authorities will make any member of the United States armed forces or

civilian component, and their dependents, over whom the Republic of China is to exercise jurisdiction immediately available to the authorities of the Republic of China upon their request for purpose of investigation and trial.

(d) The United States military authorities shall notify promptly the authorities of the Republic of China of the arrest of any person subject to the military law of the United States in cases in which the Republic of China has the primary right to exercise jurisdiction.

6. (a) The appropriate authorities of the United States and the authorities of the Republic of China shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The military authorities of the United States and the authorities of the Republic of China shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in the Agreement Area by the military authorities of the United States if the legislation of the Republic of China does not provide for such punishment in a similar case.

(b) The authorities of the Republic of China shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the Agreement Area.

8. Where an accused person has been tried in accordance with the provisions of this Article either by the military authorities of the United States or by the authorities of the Republic of China and has been acquitted, or has been convicted and is serving, or has served, his sentence, or has had his sentence suspended, or has been pardoned, he may not be tried again for the same offense within the Agreement Area by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of the Republic of China.

9. Whenever a member of the United States armed forces or civilian component, or a dependent, is prosecuted under the jurisdiction of the Republic of China, he shall be entitled:

(a) to a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of the Republic of China;

(e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in the Republic of China;

(f) if he considers it necessary, to have the service of a competent interpreter; and

(g) to communicate with a representative of the United States Government, and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any areas or facilities which they use under Article III of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such areas and facilities.

(b) Outside these areas and facilities, such military police shall be employed only subject to arrangements with the authorities of the Republic of China and in liaison with those authorities, and insofar as such employment is necessary to maintain discipline and order among the members of the United States armed forces, or ensure their security.

11. In the event of hostilities the provisions of this Article shall be suspended immediately upon notice given by either Party. In such a case the two Governments shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended. Pending such agreement the United States military authorities shall have the primary right to exercise jurisdiction over all offenses which may be committed by persons subject to the military law of the United States in the Agreement Area.

*Agreed Minutes to Article XIV*

*Re paragraph 1(a)*

The term "all persons subject to the military law of the United States" as referred to in this Article and in these Agreed Minutes is understood to include members of the United States armed forces and, unless the law of the United States provides otherwise, members of the civilian component, and dependents.

*Re paragraph 1(b)*

1. The term "authorities of the Republic of China" is understood to have reference only to the District Courts, High Courts and Supreme Court of the Republic of China.

2. It is understood that the jurisdiction of the authorities of the Republic of China over members of the United States armed forces or the civilian component, and dependents shall, not extend to any offenses committed outside the Agreement Area.

*Re paragraph 3(a)(ii)*

1. Whenever, in the course of criminal proceedings against a member of the United States armed forces or the civilian component, it becomes necessary to determine whether an offense has arisen out of any act or omission done in the performance of official duty, such determination shall be made in accordance with the law of the United States. The highest appropriate military authority of the United States may submit to the Chinese court or authority dealing with the case a certificate thereon.

2. The Chinese court or authority shall make its decision in conformity with the certificate. In exceptional cases, however, such certificate may, at the request of the Chinese court or authority, be made the subject of review through discussions between the United States Government and the Government of the Republic of China. Nothing in this minute shall prejudice the operation of Article 269 of the Code of Criminal Procedure of the Republic of China in cases properly before a Chinese court under paragraph 3 of this Article.

*Re paragraph 3(c)*

1. The Government of the Republic of China waives in favor of the United States the primary right granted to the Chinese authorities under subparagraph (b) of paragraph 3 of this Article in cases of concurrent jurisdiction, in accordance with paragraphs 2, 3, 4, 5, 6 and 7 of this minute.

2. Subject to any particular arrangements which may be made under paragraph 7 of this minute, the military authorities of the United States shall notify the competent Chinese authorities of individual cases falling under the waiver provided in paragraph 1 of this minute.

3. Where the competent Chinese authorities hold the view that, by reason of special circumstances in a specific case, major interests of Chinese administration of justice make imperative the exercise of Chinese jurisdiction, they may recall the waiver granted under paragraph 1 of this minute by a statement to the competent military authorities of the United States within a period of twenty-one days after receipt of the notification envisaged in paragraph 2 of this minute or any shorter period which may be provided in arrangements made under paragraph 7 of this minute. The Chinese authorities may also submit the statement prior to receipt of such notification.

(a) Subject to a careful examination by the Chinese authorities of each specific case and to the results of such examination, major interests of Chinese administration of justice within the meaning of paragraph 3 above may make imperative the exercise of Chinese jurisdiction, in particular, in the following cases:

- (i) security offenses against the Republic of China;
- (ii) offenses causing the death of a human being, robbery, and rape, except where the offenses are directed against a member of the United States armed forces or the civilian component, or a dependent; and
- (iii) attempts to commit such offenses or participation therein.

(b) In respect of the offenses referred to in subparagraph (a) of this paragraph, the authorities concerned shall proceed in particularly close cooperation from the beginning of the preliminary investigation in order to provide the mutual assistance envisaged in paragraph 6 of this Article.

4. In cases where the Government of the Republic of China has recalled its waiver of jurisdiction pursuant to paragraph 3 of this minute, and where a disagreement exists between the authorities concerned, the Government of the United States may make representations through diplomatic channels. The Government of the Republic of China shall resolve the disagreement having given due consideration to the interests of Chinese administration of justice, and to the interests of the United States Government.

5. (a) With the consent of the competent Chinese authorities, the military authorities of the United States may transfer to the Chinese courts or authorities for investigation, and if warranted, trial and decision, particular criminal cases in which jurisdiction rests with the United States.

(b) With the consent of the military authorities of the United States, the competent Chinese authorities may transfer to the military authorities of the United States for investigation, and if warranted, trial and decision, particular criminal cases in which jurisdiction rests with the Republic of China.

6. (a) Where a member of the United States armed forces or the civilian component, or a dependent, is arraigned before a court of the United States for an offense committed in the Agreement Area against Chinese interests, the trial shall be held within the Agreement Area:

(i) except where the law of the United States requires otherwise, or

(ii) except where, in cases of military exigency or in the interests of justice, the military authorities of the United States intend to hold the trial outside the Agreement Area. In this event they shall afford the Chinese authorities timely opportunity to comment on such intention and shall give due consideration to any comments the latter may make.

(b) Where the trial is held outside of the Agreement Area, the military authorities of the United States shall inform the Chinese authorities of the place and date of the trial. A Chinese representative shall be entitled to be present at the trial, except where his presence is incompatible with the rules of the court of the United States or with the security requirements of the United States, which are not at the same time the security requirements of the Republic of China. The military authorities of the United States shall inform the Chinese authorities of the judgment and the final outcome of the proceedings.

7. In the implementation of the provisions of this Article and this agreed minute, and to facilitate the expeditious disposal of offenses of minor importance, arrangements may be made between the military authorities of the United States and the competent Chinese authorities. These arrangements may also extend to dispensing with notification and to the period of time referred to in paragraph 3 of this minute within which the waiver may be recalled.

*Re paragraph 5(c)*

1. (a) Where jurisdiction is exercised by the military authorities of the United States, custody of members of the armed forces or the civilian component, or dependents, shall rest with the military authorities of the United States.

(b) Where jurisdiction is exercised by the Chinese authorities, custody of members of the armed forces or the civilian component, or dependents, shall rest with the military authorities of the United States in accordance with paragraphs 2 and 3 of this agreed minute.

2. (a) Where the arrest has been made by the Chinese authorities, the arrested person shall be handed over to the military authorities of the United States if such authorities so request.

(b) Where the arrest has been made by the military authorities of the United States, or where the arrested person has been handed over to them under subparagraph (a) of this paragraph, they:

(i) may transfer custody to the Chinese authorities at any time; and

(ii) shall give sympathetic consideration to any request for the transfer of custody which may be made by the Chinese authorities in specific cases.

(c) In respect of offenses directed solely against the security of the Republic of China, custody shall rest with the Chinese authorities in accordance with such arrangements as may be made to that effect with the military authorities of the United States.

3. Where custody rests with the military authorities of the United States in accordance with paragraph 2 of this agreed minute, it shall

remain with such authorities until the conclusion of all judicial proceedings held in accordance with this Article. The military authorities of the United States shall make the arrested person available to the Chinese authorities for investigation and criminal proceedings and shall take all appropriate measures to that end and to prevent any prejudice to the course of justice. They shall take full account of any special request regarding custody made by the competent Chinese authorities.

4. The United States shall retain the right to keep in custody the arrested person either in a detention institution of its own or with its armed forces. In order to ensure smooth implementation of the obligations imposed by the second sentence of paragraph 3 of this agreed minute, the military authorities of the United States shall keep the arrested person, where possible, in the vicinity of the seat of the Chinese authority dealing with the case; this, however, shall not constitute an obligation on their part to keep the arrested person outside the area in use by the United States armed forces.

*Re paragraph 6*

United States military authorities desiring the presence of Chinese witnesses or evidence before courts, boards, or for the purpose of official investigations, convened or conducted within the Agreement Area, should submit a written request to the nearest procurator's office or Judge, and a summons shall thereupon be issued. Such request for personal appearance of a Chinese witness will be made only after due consideration has been given to the utilization of a deposition. The rates and pay scales for witnesses set out in directives of the United States armed forces, or the pay scales used by Chinese courts for witnesses, will be utilized.

*Re paragraph 9(a)*

The right to a prompt and speedy trial shall include public trial by a duly constituted court. Provided that all the rights granted by this Article are accorded an accused, he may be tried *in camera* if the court determines that a public hearing would be detrimental to public order or good morals.

*Re paragraph 9(b)*

The right of the accused to be informed, in advance of trial, of specific charges against him shall mean that:

(1) he shall not be arrested or detained without being at once informed of the charges against him;

(2) he shall not be detained without adequate cause; and upon demand of the accused or any other person such cause must be immediately shown in open court in his presence and the presence of his counsel.

*Re paragraph 9(c)*

The right to be confronted with the witnesses against him shall include a full opportunity to examine all witnesses whose testimony is presented at the trial.

*Re paragraph 9(e)*

The right to have legal representation includes the right to have and consult with legal counsel present at any preliminary investigations, examinations or hearings, at which the accused is present, as well as throughout all stages of trial and appeal.

*Re paragraph 9(f)*

The right to have the services of a competent interpreter shall exist from the moment of arrest or detention of the accused.

*Re paragraph 9(g)*

The United States Government shall have the right to have a representative present, with whom the accused may communicate, at any preliminary investigations, examination, or hearings at which the accused is present, as well as at all stages of trial and appeal.

*Re paragraph 9*

(1) In addition to the above guarantees, the accused shall not be compelled to incriminate himself.

(2) No appeal will be taken by the prosecution from a judgment of acquittal nor may an appeal be taken by the prosecution from any judgment which the accused does not appeal except upon grounds of errors of law.

*Additional Agreed Minutes*

1. It is understood that only facilities agreed on by the Joint Committee will be utilized for the confinement or detention of members of the United States armed forces or the civilian component, or dependents. The appropriate authorities of the United States will be authorized to visit these persons periodically at the place of confinement in Chinese facilities and will be authorized to provide in appropriate cases supplementary care and provisions for such persons, such as clothing, food, bedding, and medical and dental treatment.

2. Nothing in this Article shall be construed to restrict the right of an accused to request a trial *de novo* by an appellate court. The appellate court shall grant such a request properly made in accordance with its rules and procedures.

## ARTICLE XV

1. Each Government waives all its claims against the other Government for damage to any property owned by it and used by its land, sea or air armed forces, if such damage:

(a) was caused by a member or an employee of the armed forces of the other Government in the execution of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other Government and used by its armed forces provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims by one Government against the other Government for maritime salvage shall be waived provided that the vessel or cargo was owned by one of the Governments and being used by its armed forces for official purposes.

2. In the case of damage caused or arising as stated in paragraph 1 to other property owned by either Government and located in the Agreement Area:

(a) each Government waives its claim up to the amount of US\$1,400 or its equivalent in Chinese currency according to the prevailing official rate of exchange of the Government of the Republic of China;

(b) claims in excess of the amount stated in subparagraph (a) shall be settled by the Government against which the claim is made in accordance with its domestic law.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Government" in the case of a vessel includes a vessel on bare-boat charter to that Government or requisitioned by it on bare-boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some other person than such Government).

4. Each Government waives all its claims against the other Government for injury or death suffered by any member of its armed forces while such member was engaged in the performance of his official duties.

5. (a) A member of the United States armed forces or the civilian component, or a dependent, shall not be afforded immunity from the jurisdiction of the civil courts of China except: (1) in a matter arising from his performance of official duty; or (2) in respect of any claim where there has been payment in full satisfaction of the claim.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Chinese law, is within the areas and facilities in use by the United States armed forces, the United States authorities shall, upon the request of Chinese courts, render all assistance within their power to see that such property is turned over to the Chinese authorities.

6. Claims (other than contractual claims) arising out of acts or omissions of members or employees of the United States armed forces done in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces are legally responsible, and causing damage in the Agreement Area to third parties other than the two Governments shall be processed and settled in accordance with the applicable provisions of United States law. The United States Government shall entertain other non-contractual claims against members or employees of the United States armed forces, and may offer an *ex gratia* payment in such cases and in such amounts as is determined by the appropriate United States authorities.

7. The authorities of the United States and the Republic of China shall cooperate in the procurement of evidence for the fair disposition claims under this Article.

8. Paragraphs 2 and 6 of this Article shall not apply to claims arising incident to combat activities.

9. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services, and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee referred to in Article XVIII of this Agreement for conciliation provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

#### *Agreed Minutes to Article XV*

##### *Agreed Minute No. 1—Re subparagraph 5(a) of Article XV*

If a claim arises out of an act or omission of a member or an employee of the United States armed forces, whether such act or omission occurred in the performance of official duty shall be determined in accordance with the laws of the United States. The highest ap-

appropriate authority of the United States may submit to the Chinese authority dealing with the case a certificate thereon. In exceptional cases, however, such certificate may, at the request of the Chinese authority, be made the subject of review through discussions between the United States Government and the Government of the Republic of China.

*Agreed Minute No. 2*

Should the procedures provided for under this Article prove to be unsatisfactory, upon the request of the Government of the Republic of China the following claims article will be substituted *in toto*:

ARTICLE XV

1. Each Government waives all its claims against the other Government for damage to any property owned by it and used by its land, sea or air armed forces, if such damage:

(a) was caused by a member or an employee of the armed services of the other Government in the execution of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other Government and used by its armed forces provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims for maritime salvage by one Government against the other Government shall be waived, provided that the vessel or cargo salvaged was owned by one of the Governments and being used by its armed forces for official purposes.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by either Government and located in the Agreement Area the issue of the liability of the other Government shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with subparagraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in subparagraph (a) above shall be selected by agreement between the two Governments from amongst the nationals of China who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the two Governments.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e) (i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportion by them.

(f) Nevertheless, each Government waives its claim in any such case up to the amount of US\$1,400 or NT\$56,000 in Chinese currency. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Government" in the case of a vessel includes a vessel on bare-boat charter to that Government or requisitioned by it on bare-boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some other person than such government).

4. Each Government waives all its claims against the other Government for injury or death suffered by any member of its armed forces while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members or employees of the United States armed services done in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces are legally responsible, and causing damage in the Agreement Area to third parties, other than the Government of China, shall be dealt with by China in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of China with respect to claims arising from the activities of its own armed forces.

(b) China may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by China in Chinese currency.

(c) Such payment, whether made pursuant to a settlement of to adjudication of the case by a competent tribunal of China, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the two Governments.

(d) Every claim paid by China shall be communicated to the appropriate United States authorities together with full particulars and as proposed distribution in conformity with subparagraphs (e), (i) and (ii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding subparagraphs and paragraph 2 of this Article shall be distributed between the two Governments as follows:

(i) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 percent chargeable to the Republic of China and 75 percent chargeable to the United States.

(ii) Where the United States and China are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them. Where the damage was caused by the armed forces of the United States or China and it is not possible to attribute it specifically to one or both of those armed forces, the amount awarded or adjudged shall be distributed equally between the United States and China.

(iii) Every half-year, a statement of the sums paid by China in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted shall be sent to the ap-

propriate United States authorities, together with a request for reimbursement. Such reimbursement shall be made in Chinese currency within the shortest possible time.

(f) Members and employees of the United States armed services (except employees who are nationals of China) shall not be subject to any proceedings for the enforcement of any judgment given against them in the Agreement Area in a matter arising from the performance of their official duties.

(g) Except insofar as subparagraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than small maritime claims and claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members or employees of the United States armed services (except employees who are nationals of China or ordinarily resident in the Agreement Area) arising out of tortious acts or omissions in the Agreement Area not done in the performance of official duty shall be dealt with in the following manner:

(a) The appropriate authorities of the Republic of China shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the appropriate United States authorities, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the United States authorities shall make the payment themselves and inform the appropriate authorities of the Republic of China of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of China to entertain an action against a member or employee of the United States armed forces unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the United States armed forces shall be dealt with in accordance with paragraph 6 of this Article, except insofar as the United States armed forces are legally responsible.

8. If a dispute arises as to whether an act or omission of a member or an employee of the United States armed forces occurred in the performance of official duty, a certificate issued by the highest appropriate United States military authority shall be regarded as conclusive.

9. (a) The United States shall not claim immunity from the jurisdiction of the courts of China for members or employees of the United States armed forces in respect of the civil jurisdiction of the courts of China except to the extent provided in paragraph 5(f) of this Article.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Chinese law, is within the areas and facilities in use by the United States armed forces, the United States authorities shall upon the request of the courts of the Republic of China, render all

assistance within their power to see that such property is turned over to the Chinese authorities.

(c) The authorities of the United States and the Republic of China shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this Article.

10. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services, and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee provided for in Article XVIII for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

11. Paragraphs 2 and 5 of this Article shall not apply to war damage.

*Agreed Minute to Article XV, Paragraph 5(g)*

With respect to Article XV, subparagraph 5(g), "small maritime claims" is defined as claims for the following types of damage:

- (1) damage to cultivation of marine animals and plants in coastal waters;
- (2) damage to fishnets;
- (3) damage to boats of less than twenty tons, involving individual claims for two thousand five hundred United States dollars or less;
- (4) damage of similar nature as may be mutually agreed through the Joint Committee.

ARTICLE XVI

The Republic of China grants permission to the United States armed forces, subject to the pertinent provisions of Articles VIII and XI of this Agreement, to establish, maintain, and operate, within the areas and facilities in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces or the civilian component, and their dependents, and such other persons as may be proposed by the appropriate United States authorities through diplomatic channels and approved by the appropriate Chinese authorities, for the transmission of mail between United States military post offices in the Agreement Area and between such military post offices and other United States post offices. Procedures for cooperation between United States military post offices and Chinese post offices shall be jointly determined by the appropriate United States and Chinese authorities.

ARTICLE XVII

1. Searches, seizures, or other inspections shall not be made of United States Government property at the disposal of the United States armed forces (including their authorized contractors) when entering, located in, or leaving the Agreement Area, including, but not limited to, mail in United States military channels, equipment, materials, and supplies, shipped by, to, or on behalf of the United States armed forces and certified by the appropriate authorities of the United States armed forces to be for their official use, official documents and courier and communications documents under seal.

2. (a) The persons or property of members of the United States armed forces or the civilian component, and their dependents, if within the areas and facilities in use by the United States armed forces, shall be exempt from searches, seizures, or other inspections except as may be agreed by the appropriate authorities of the two Governments.

(b) At the request of the appropriate authorities of the Republic of China, the authorities of the United States armed forces shall, within the limits of their authority, make such searches, seizures, or other inspections within the areas and facilities in use by the United States armed forces and fully inform the Chinese authorities as to the results thereof.

3. (a) The persons and property of members of the United States armed forces or the civilian component, and their dependents, if outside the areas and facilities in use by the United States armed forces and outside the private residences of such persons, shall be subject to searches, seizures, or other inspections by appropriate Chinese authorities in accordance with Chapter XI, Part I of the Code of Criminal Procedure of the Republic of China. The authorities of the United States armed forces shall, whenever practicable, be afforded the opportunity to be present and to provide assistance.

(b) The persons of members of the United States armed forces or the civilian component, and their dependents, within the private residences of such persons, shall be subject to searches by appropriate Chinese authorities in accordance with Chapter XI, Part I of the Code of Criminal Procedure of the Republic of China in connection with their arrest. Searches may also be made of such persons in such residences in accordance with Chapter XI, Part I of the Code of Criminal Procedure of the Republic of China not in connection with their arrest provided that the authorities of the United States armed forces have been afforded the opportunity to be present and to provide assistance. Property discovered in searches under this paragraph shall be subject to seizure in accordance with Chapter XI, Part I of the Code of Criminal Procedure of the Republic of China.

4. The private residences, and property therein, of members of the United States armed forces or the civilian component, and their dependents, located outside the areas and facilities in use by the United States armed forces shall be subject to searches, seizures, or other inspections in accordance with Chapter XI, Part I of the Code of Criminal Procedure of the Republic of China provided that the authorities of the United States armed forces have been afforded the opportunity to be present and to provide assistance.

#### ARTICLE XVIII

1. Upon the entry into force of this Agreement, a Joint Committee shall be established as the means for mutual consultation between the United States and the Republic of China on all matters regarding the implementation of this Agreement.

2. The Joint Committee shall be composed of one representative each of the United States and of the Republic of China, each of whom shall have one or more deputies. The Joint Committee shall determine its own rules of procedure and appoint such subcommittees as may be required. The Joint Committee shall be so organized that it may

meet immediately at any time at the request of the representative of either the United States or the Republic of China

3. If the Joint Committee is unable to resolve a particular matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

#### ARTICLE XIX

1. This Agreement shall be approved by the United States and the Republic of China in accordance with their respective constitutional procedures; notes indicating such approval shall be exchanged and this Agreement shall enter into force from the date of the exchange of notes.<sup>[1]</sup>

2. The two Governments undertake to seek from their respective legislatures necessary legislative action with respect to any provision of the Agreement which requires such action for its execution.

3. Either Party may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiations through normal diplomatic channels.

#### ARTICLE XX

This Agreement, and agreed revisions thereof, shall remain in force while the Mutual Defense Treaty between the United States of America and the Republic of China, signed on December 2, 1954, remains in force, unless terminated earlier by agreement between the two Governments.

IN WITNESS WHEREOF, the undersigned representatives of the two Governments, duly authorized for the purpose, have signed this Agreement.

Done in duplicate, in the English and Chinese languages, both texts authentic, at Taipei, on this 31st day of August of the Year One Thousand Nine Hundred and Sixty-five, corresponding to the 31st day of the eighth month of the Fifty-fourth Year of the Republic of China.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF THE  
REPUBLIC OF CHINA

RALPH N. CLOUGH

SHEN CHANG-HUAN

[SEAL]

[SEAL]

<sup>1</sup> Apr. 12, 1966.

**Exchange of Notes Between the Governments of the Republic of China  
and the United States of America**

*The American Chargé d'Affaires ad interim to the Chinese Minister  
of Foreign Affairs*

No. 16.

TAIPEI, August 31, 1965.

EXCELLENCY:

With regard to Article XIV of the Agreement on the Status of United States Armed Forces in the Republic of China signed on this day, I have the honor to state the understanding of the Government of the United States of America that the cases enumerated in subparagraphs 3(a) (i) (ii) and (iii) of the agreed minute re paragraph 3(c) of that Article together with the offense of arson and offenses involving illegal possession of or trade in narcotics, and attempts to commit such offenses or participation therein, except when these offenses are directed against a member of the United States armed forces or the civilian component, or dependents, or the property of such member or dependent, comprise the cases with regard to which the competent Chinese authorities may hold by reason of special circumstances in a specific case that major interests of Chinese administration of justice within the meaning of paragraph 3 of the agreed minute make imperative the exercise of Chinese jurisdiction. The foregoing does not preclude agreement by the two Governments to recall of the waiver granted under paragraph 1 of the minute above referred to in an exceptional case involving a serious offense not enumerated herein or in subparagraph 3(a) (i) (ii) or (iii), and the major interests of Chinese administration of justice.

I would greatly appreciate being informed by letter of the concurrence of Your Excellency's Government in this understanding.

Accept, Excellency, the assurances of my highest consideration.

RALPH N. CLOUGH,  
*Chargé d'Affaires ad interim.*

His Excellency  
SHEN CHANG-HUAN,  
*Minister of Foreign Affairs,  
Taipei, Taiwan.*

*Translation*

WAI-(54)-PEI-MEI(2)-13896

TAIPEI, August 31, 1965.

MR. CHARGÉ D'AFFAIRES:

I have the honor to acknowledge receipt of your note No. 016 of today's date reading as follows:

In reply, I have the honor to confirm, on behalf of the Government of the Republic of China, the above understanding.

Accept, Mr. Chargé d'Affaires, the assurances of my high consideration.

[SEAL]

SHEN CHANG-HUAN.

The Honorable Mr. RALPH N. CLOUGH,  
*Chargé d'Affaires ad interim,  
Embassy of the United States of America,  
Taipei, Taiwan, China.*

*The American Chargé d' Affaires ad interim to the Chinese Minister  
of Foreign Affairs*

TAIPEI, August 31, 1965.

No. 17

EXCELLENCY:

I have the honor to acknowledge Your Excellency's note No. Y-(54)-Pei-Mei-(2)-13895 dated August 31, 1965 reading as follows:

"During the negotiations of the Agreement on the Status of United States Armed Forces in the Republic of China between our two countries, it has been agreed that after the conclusion of the Agreement, if either Party so desires, representatives of our two Governments shall meet and discuss the Military Assistance Agreement between the Republic of China and the United States of America, concluded by exchange of notes of January 30, 1951 and February 9, 1951<sup>[1]</sup> as clarified and confirmed by the MAAG Agreement, concluded by exchange of notes of October 23, 1952 and November 1, 1952,<sup>[2]</sup> and that these Agreements concerning MAAG are subject to modification in such manner as both Parties may agree."

I have the honor to confirm the above understanding and to advise that the foregoing arrangement is acceptable to my Government.

Accept Excellency, the assurances of my highest consideration.

RALPH N. CLOUGH,  
*Charge d'Affaires ad interim.*

His Excellency

SHEN CHANG-HUAN,  
*Minister of Foreign Affairs,  
Taipei, Taiwan.*

---

*The American Chargé d'Affaires ad interim to the Chinese Minister  
of Foreign Affairs*

TAIPEI, August 31, 1965.

No. 18

EXCELLENCY:

I have the honor on behalf of my Government, to forward the following statement of United States jurisdiction and administrative sanctions over members of the civilian component, their dependents, and the dependents of members of the United States Armed Forces.

As a result of decisions of the United States Supreme Court in 1960, civilians are no longer subject to trial by courts-martial in time of peace. Accordingly, members of the civilian component, their dependents, and the dependents of members of the United States Armed Forces are not persons subject to the military law of the United States as the term is used in Article XIV of the Status of Forces Agreement. The jurisdiction under the mentioned Article of the authorities of the Republic of China over such personnel is, at the present time, exclusive.

<sup>1</sup> TIAS 2293; 2 UST 1499.

<sup>2</sup> TIAS 2712; 3 UST (pt. 4) 5166.

Notwithstanding the foregoing, United States military authorities have certain administrative and disciplinary sanctions which are effective in maintaining control over members of the civilian component and dependents. The United States hopes that the Republic of China will, in appropriate cases, take advantage of the availability of these sanctions as an alternative to criminal prosecution. In the view of the United States, it is mutually advantageous to have the United States Armed Forces deal, to the extent possible, with minor offenses by use of internal control measures.

Accept, Excellency, the assurances of my highest consideration.

RALPH N. CLOUGH,  
*Charge d'Affaires ad interim.*

His Excellency  
SHEN CHANG-HUAN,  
*Minister of Foreign Affairs,  
Taipei, Taiwan.*

**AGREEMENT UNDER ARTICLE IV OF THE MUTUAL DEFENSE  
TREATY BETWEEN THE UNITED STATES OF AMERICA  
AND THE REPUBLIC OF KOREA, REGARDING FACILITIES  
AND AREAS AND THE STATUS OF UNITED STATES ARMED  
FORCES IN THE REPUBLIC OF KOREA**

Agreement signed at Seoul July 9, 1966; Date of entry into  
force February 9, 1967.

With agreed minutes, agreed understandings, and exchange of  
letters

Whereas the United States of America has disposed its armed forces  
in and about the territory of the Republic of Korea pursuant to the  
resolutions of the United Nations Security Council of June 25, 1950,  
June 27, 1950, and July 7, 1950, and pursuant to Article IV of the  
Mutual Defense Treaty between the United States of America and the  
Republic of Korea, signed on October 1, 1953;[<sup>1</sup>]

Therefore, the United States of America and the Republic of Korea  
in order to strengthen the close bonds of mutual interest between their  
two countries, have entered into this Agreement regarding facilities  
and areas and the status of United States armed forces in the Republic  
of Korea in terms as set forth below:

**ARTICLE I**

**DEFINITIONS**

In this Agreement the expression:

(a) "members of the United States armed forces" means the  
personnel on active duty belonging to the land, sea, or air armed  
services of the United States of America when in the territory of  
the Republic of Korea except for personnel of the United States  
armed forces attached to the United States Embassy and personnel  
for whom status has been provided in the Military Advisory Group  
Agreement of January 26, 1950, as amended; [<sup>2</sup>]

(b) "civilian component" means the civilian persons of United  
States nationality who are in the employ of, serving with, or  
accompanying the United States armed forces in the Republic of  
Korea but excludes persons who are ordinarily resident in the  
Republic of Korea or who are mentioned in paragraph 1 of Article  
XV; for the purposes of this Agreement only, dual nationals, i.e.,  
persons having the nationality of both the United States and the  
Republic of Korea, who are brought into the Republic of Korea  
by the United States shall be considered United States nationals;

(c) "dependents" means

(i) spouse and children under 21;

<sup>1</sup> *Ante*, p. 94.

<sup>2</sup> TIAS 2436, 4613; 3 UST (pt. 2) 2696; 11 UST 2348.

(ii) parents, children over 21, or others relatives dependent for over half their support upon a member of the United States armed forces or civilian component.

## ARTICLE II

### Facilities and Areas—Grant and Return

1. (a) The United States is granted, under Article IV of the Mutual Defense Treaty, the use of facilities and areas in the Republic of Korea. Agreements as to specific facilities and areas shall be concluded by the two Governments through the Joint Committee provided for in Article XXVIII of this Agreement. "Facilities and areas" include existing furnishings, equipment, and fixtures, wherever located, used in the operation of such facilities and areas.

(b) The facilities and areas of which the United States armed forces have the use at the effective date of this Agreement together with those facilities and areas which the United States armed forces have returned to the Republic of Korea with the reserved right of re-entry, when these facilities and areas have been re-entered by the United States armed forces, shall be considered as the facilities and areas agreed upon between the two Governments in accordance with subparagraph (a) above. Records of facilities and areas of which the United States armed forces have the use or the right of re-entry shall be maintained through the Joint Committee after this Agreement comes into force.

2. At the request of either Government, the Governments of the United States and the Republic of Korea shall review such agreements and may agree that such facilities and areas or portions thereof shall be returned to the Republic of Korea or that additional facilities and areas may be provided.

3. The facilities and areas used by the United States shall be returned to the Republic of Korea under such conditions as may be agreed through the Joint Committee whenever they are no longer needed for the purposes of this Agreement and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas are temporarily not being used and the Government of the Republic of Korea is so advised, the Government of the Republic of Korea may make, or permit nationals of the Republic of Korea to make, interim use of such facilities and areas provided that it is agreed between the two Governments through the Joint Committee that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to facilities and areas which are to be used by the United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall not apply.

## ARTICLE III

### Facilities and Areas—Security Measures

1. Within the facilities and areas, the United States may take all the measures necessary for their establishment, operation, safeguard-

ing and control. In order to provide access for the United States armed forces to the facilities and areas for their support, safeguarding, and control, the Government of the Republic of Korea shall, at the request of the United States armed forces and upon consultation between the two Governments through the Joint Committee, take necessary measures, within the scope of applicable laws and regulations, with respect to land, territorial waters and airspace adjacent to, or in the vicinities of the facilities and areas. The United States may also take necessary measures for such purposes upon consultation between the two Governments through the Joint Committee.

2. (a) The United States agrees not to take the measures referred to in paragraph 1 in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel, to, from or within the territories of the Republic of Korea.

(b) All questions relating to telecommunications including radio frequencies for electromagnetic radiating devices, or like matters shall continue to be resolved expeditiously in the utmost spirit of coordination and cooperation by arrangement between the designated communications authorities of the two Governments.

(c) The Government of the Republic of Korea shall, within the scope of applicable laws, regulations and agreements, take all reasonable measure to avoid or eliminate interference with electromagnetic radiation sensitive devices, telecommunications devices, or other apparatus required by the United States armed forces.

3. Operations in the facilities and areas in use by the Government of the United States shall be carried on with due regard to the public safety.

#### ARTICLE IV

##### Facilities and Areas—Return of Facilities

1. The Government of the United States is not obliged, when it returns facilities and areas to the Government of the Republic of Korea on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate the Government of the Republic of Korea in lieu of such restoration.

2. The Government of the Republic of Korea is not obliged to make any compensation to the Government of the United States for any improvements made in facilities and areas or for the buildings and structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to any construction which the Government of the United States may undertake under special arrangements with the Government of the Republic of Korea.

#### ARTICLE V

##### Facilities and Areas—Cost and Maintenance

1. It is agreed that the United States will bear for the duration of this Agreement without cost to the Republic of Korea all expenditures incident to the maintenance of the United States armed forces in the

Republic of Korea, except those to be borne by the Republic of Korea as provided in paragraph 2.

2. It is agreed that the Republic of Korea will furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities and areas and rights of way, including facilities and areas jointly used, such as those at airfields and ports as provided in Articles II and III. The Government of the Republic of Korea assures the use of such facilities and areas to the Government of the United States and will hold the Government of the United States as well as its agencies and employees harmless from any third party claims which may be advanced in connection with such use.

#### ARTICLE VI

##### Utilities and Services

1. The United States armed forces shall have the use of all utilities and services which are owned, controlled or regulated by the Government of the Republic of Korea or local administrative subdivisions thereof. The term "utilities and services" shall include, but not be limited to, transportation and communications facilities and systems, electricity, gas, water, steam, heat, light, power, and sewage disposal. The use of utilities and services as provided herein shall not prejudice the right of the United States to operate military transportation, communication, power and such other utilities and services deemed necessary for the operations of the United States armed forces. This right shall not be exercised in a manner inconsistent with the operation by the Government of the Republic of Korea of its utilities and services.

2. The use of such utilities and services by the United States shall be in accordance with priorities, conditions, and rates or tariffs no less favorable than those accorded any other user.

#### ARTICLE VII

##### Respect for Local Law

It is the duty of members of the United States armed forces, the civilian component, the persons who are present in the Republic of Korea pursuant to Article XV, and their dependents, to respect the law of the Republic of Korea and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in the Republic of Korea.

#### ARTICLE VIII

##### Entry and Exit

1. The United States may bring into the Republic of Korea persons who are members of the United States armed forces, the civilian component, and their dependents, subject to the provisions of this Article. The Government of the Republic of Korea will be notified at regular intervals, in accordance with procedures to be agreed between the two Governments, of numbers and categories of persons entering and departing.

2. Members of the United States armed forces shall be exempt from passport and visa laws and regulations of the Republic of Korea. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from laws and regulations of the Republic of Korea on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of the Republic of Korea.

3. Upon entry into or departure from the Republic of Korea members of the United States armed forces shall be in possession of the following documents:

(a) personal identity card showing name, date of birth, rank and service number, service, and photograph; and

(b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered. For purposes of their identification while in the Republic of Korea, members of the United States armed forces shall be in possession of the foregoing personal identity card which must be presented on request to the appropriate authorities of the Republic of Korea.

4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by the authorities of the Republic of Korea upon their entry into or departure from the Republic of Korea, or while in the Republic of Korea.

5. If the status of any person brought into the Republic of Korea under paragraph 1 of this Article is altered so that he would no longer be entitled to such admission, the authorities of the United States shall notify the authorities of the Republic of Korea and shall, if such person be required by the authorities of the Republic of Korea to leave the Republic of Korea, assure that transportation from the Republic of Korea will be provided within a reasonable time at no cost to the Government of the Republic of Korea.

6. If the Government of the Republic of Korea has requested the removal from its territory of a member of the United States armed forces or civilian component or has made an expulsion order against an ex-member of the United States armed forces or the civilian component or against a dependent of a member or an ex-member, the authorities of the United States shall be responsible for receiving the person concerned into its own territory or otherwise disposing of him outside the Republic of Korea. This paragraph shall apply only to persons who are not nationals of the Republic of Korea and have entered the Republic of Korea as members of the United States armed forces or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

#### ARTICLE IX

##### Customs and Duties

1. Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of the Republic of Korea.

2. All materials, supplies and equipment imported by the United States armed forces (including their authorized procurement agencies and their non-appropriated fund organizations provided for in Article XIII), for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into the Republic of Korea; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces (including their authorized procurement agencies and their non-appropriated fund organizations provided for in Article XIII), or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above. The exemptions provided in this paragraph shall extend to materials, supplies and equipment imported by the United States armed forces for the use of other armed forces in the Republic of Korea under the Unified Command which receive logistical support from the United States armed forces.

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

(a) furniture, household goods, and personal effects for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in the Republic of Korea or by their dependents when they first arrive for reunion with members of such forces or civilian component;

(b) vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents;

(c) reasonable quantities of personal effects and household goods of a type which would ordinarily be purchased in the United States for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into the Republic of Korea through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchase of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) members of the United States armed forces under orders, other than leave orders, entering or leaving the Republic of Korea;

(b) official documents under official seal and First Class letter mail in the United States military postal channels under official postal seal;

(c) military cargo consigned to the United States armed forces.

6. Except as such disposal may be authorized by the authorities of the United States and of the Republic of Korea in accordance with mutually agreed conditions, goods imported into the Republic of Korea free of duty shall not be disposed of in the Republic of Korea to persons not entitled to import such goods free of duty.

7. Goods imported into the Republic of Korea free from customs duties and other such charges pursuant to paragraphs 2 and 3, may be re-exported free from customs duties and other such charges.

8. The United States armed forces, in cooperation with the authorities of the Republic of Korea, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of the Republic of Korea, the authorities of the Republic of Korea and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of the Republic of Korea are handed over to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

(d) The authorities of the United States armed forces shall provide all practicable assistance to the customs officials dispatched to military controlled piers and airports for the purpose of customs inspection.

(e) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Government of the Republic of Korea in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of such forces.

#### ARTICLE X

##### Access of Vessels and Aircraft

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of the Republic of Korea free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate authorities of the Republic of Korea, and the entry into and departure from the Republic of Korea of such cargo and passengers shall be according to the laws and regulations of the Republic of Korea.

2. The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports or airports of the Republic of Korea. Such access to and movement between facilities and areas by United States military vehicles shall be free from toll and other charges.

3. When the vessels mentioned in paragraph 1 enter ports of the Republic of Korea, appropriate notification shall, under normal conditions, be made to the proper authorities of the Republic of Korea. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

## ARTICLE XI

## Meteorological Services

The Government of the Republic of Korea undertakes to furnish the United States armed forces with the following meteorological services in accordance with arrangements between the appropriate authorities of the two Governments:

- (a) meteorological observations from land and ocean areas including observations from ships;
- (b) climatological information including periodic summaries and historical data wherever available;
- (c) telecommunications service to disseminate meteorological information;
- (d) seismographic data.

## ARTICLE XII

## Air Traffic Control and Navigational Aids

1. All civil and military air traffic control shall be developed in close coordination and shall be integrated to the extent necessary for the operation of this Agreement. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by arrangement between the appropriate authorities of the two Governments.

2. The United States is authorized to establish, construct and maintain aids to navigation for vessels and aircraft, both visual and electronic as required, throughout the Republic of Korea and in the territorial waters thereof. Such navigation aids shall conform generally to the system in use in the Republic of Korea. The authorities of the United States and the Republic of Korea which have established navigation aids shall duly notify each other of their positions and characteristics and shall give advance notification where practicable before making any changes in them or establishing additional navigation aids.

## ARTICLE XIII

## Non-appropriated Fund Organizations

1. (a) Military exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement such organizations shall not be subject to Korean regulations, licenses, fees, taxes, or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be

subject to Korean regulations, licenses, fees, taxes, or similar controls so far as such circulation is concerned.

2. No Korean tax shall be imposed on sales of merchandise or services by such organizations, except as provided in paragraph 1(b) of this Article. Purchases within the Republic of Korea of merchandise and supplies by such organizations shall be subject to the Korean taxes to which other purchasers of such merchandise and supplies are subject unless otherwise agreed between the two Governments.

3. Except as such disposal may be permitted by the authorities of the United States and the Republic of Korea in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in the Republic of Korea to persons not authorized to make purchases from such organizations.

4. The organizations referred to in this Article shall, through consultation between the representatives of the two Governments in the Joint Committee, provide such information to the tax authorities of the Republic of Korea as is required by tax legislation of the Republic of Korea.

#### ARTICLE XIV

##### Taxation

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in the Republic of Korea.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Korean taxes to the Government of the Republic of Korea or to any other taxing agency in the Republic of Korea on income received as a result of their service with or employment by the United States armed forces, including the organizations provided for in Article XIII. Persons in the Republic of Korea solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be liable to pay any Korean taxes to the Government of the Republic of Korea or to any taxing agency in the Republic of Korea income derived from sources outside of the Republic of Korea, nor shall periods during which such persons are in the Republic of Korea be considered as periods of residence or domicile in the Republic of Korea for the purpose of Korean taxation. The provisions of this Article do not exempt such persons from payment of Korean taxes on income derived from Korean sources, other than those sources referred to in the first sentence of this paragraph, nor do they exempt United States citizens who claim residence in the Republic of Korea for United States income tax purposes from payment of Korean taxes on income.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in the Republic of Korea on the holding, use, transfer *inter se*, or transfer by death of movable property, tangible or intangible, the presence of which in the Republic of Korea is due solely to the temporary presence of these persons in the Republic of Korea, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in the Republic of Korea or to any intangible property registered in the Republic of Korea.

## ARTICLE XV

## Invited Contractors

1. Persons, including (a) corporations organized under the laws of the United States, (b) their employees who are ordinarily resident in the United States, and (c) the dependents of the foregoing, present in the Republic of Korea solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces or other armed forces in the Republic of Korea under the Unified Command receiving logistical support from the United States armed forces, who are designated by the Government of the United States in accordance with the provisions of paragraph 2 below, shall, except as provided in this Article, be subject to the laws and regulations of the Republic of Korea.

2. The designation referred to in paragraph 1 above shall be made upon consultation with the Government of the Republic of Korea and shall be restricted to cases where open competitive bidding is not practicable due to security considerations, to the technical qualifications of the contractors involved, to the unavailability of materials or services required by the United States standards, or to limitations of United States law. The designation shall be withdrawn by the Government of the United States:

(a) upon completion of contracts with the United States armed forces or other armed forces in the Republic of Korea under the Unified Command receiving logistical support from the United States armed forces;

(b) upon proof that such persons are engaged in business activities in the Republic of Korea other than those pertaining to the United States armed forces or other armed forces in the Republic of Korea under the Unified Command receiving logistical support from the United States armed forces;

(c) upon proof that such persons are engaged in practice illegal in the Republic of Korea.

3. Upon certification by the appropriate United States authorities as to their identity, such persons shall be accorded the following benefits of this Agreement:

(a) accession and movement, as provided for in Article X, paragraph 2;

(b) entry into the Republic of Korea in accordance with the provisions of Article VIII;

(c) the exemption from customs duties, and other such charges provided for in Article IX, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;

(d) if authorized by the Government of the United States, the use of the services of the organizations provided for in Article XIII;

(e) those provided in Article XVIII, paragraph 2, for members of the United States armed forces, the civilian component and their dependents;

(f) if authorized by the Government of the United States, the use of military payment certificates, as provided for in Article XIX;

(g) the use of postal facilities provided for in Article XX;

(h) the use of utilities and services in accordance with those priorities, conditions, rates or tariffs accorded the United States armed forces by Article VI relating to utilities and services;

(i) exemption from the laws and regulations of the Republic of Korea with respect to terms and conditions of employment, and licensing and registration of businesses and corporations.

4. The arrival, departure, and place of residence in the Republic of Korea of such persons shall from time to time be notified by the United States armed forces to the authorities of the Republic of Korea.

5. Upon certification by an authorized representative of the United States armed forces, depreciable assets, except houses, held, used or transferred by such persons exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of the Republic of Korea.

6. Upon certification by an authorized representative of the United States armed forces, such persons shall be exempt from taxation in the Republic of Korea on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property, tangible or intangible, the presence of which in the Republic of Korea is due solely to the temporary presence of these persons in the Republic of Korea, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in the Republic of Korea or to any intangible property registered in the Republic of Korea.

7. Such persons shall not be liable to pay income or corporation taxes to the Government of the Republic of Korea or to any other taxing agency in the Republic of Korea on any income derived under a contract with the Government of the United States in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. Such persons shall not be liable to pay any Korean taxes to the Government of the Republic of Korea or to any taxing agency in the Republic of Korea on income derived from sources outside of the Republic of Korea nor shall periods during which such persons are in the Republic of Korea be considered periods of residence or domicile in the Republic of Korea for the purposes of Korean taxation. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Korean sources, other than those sources referred to in the first sentence of this paragraph, nor do they exempt such persons who claim residence in the Republic of Korea for United States income tax purposes from payment of Korean taxes on income.

8. The authorities of the Republic of Korea shall have the right to exercise jurisdiction over such persons for offenses committed in the Republic of Korea and punishable by the law of the Republic of Korea. In recognition of the role of such persons in the defense of the Republic of Korea, they shall be subject to the provisions of paragraphs 5, 7(b), and 9 and the related Agreed Minutes, of Article XXII.<sup>[1]</sup> In those cases in which the authorities of the Republic of Korea decide not to exercise jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

<sup>1</sup> *Post*, pp. 490, 491, 506, and 512.

## ARTICLE XVI

## Local Procurement

1. The United States may contract for any materials, supplies, equipment and services (including construction work) to be furnished or undertaken in the Republic of Korea for purposes of, or authorized by, this Agreement, without restriction as to choice of contractor, supplier or person who provides such services. Such materials, supplies, equipment and services may, upon agreement between the appropriate authorities of the two Governments, also be procured through the Government of the Republic of Korea.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of the Republic of Korea shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of the Republic of Korea.

3. Materials, supplies, equipment and services procured for official purposes in the Republic of Korea by the United States armed forces, including their authorized procurement agencies, or procured for ultimate use by the United States armed forces shall be exempt from the following Korean taxes upon appropriate certification in advance by the United States armed forces:

- (a) commodity tax;
- (b) traffic tax;
- (c) petroleum tax;
- (d) electricity and gas tax;
- (e) business tax.

With respect to any present or future Korean taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purpose of this Article.

4. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in the Republic of Korea chargeable under legislation of the Republic of Korea.

5. Except as such disposal may be authorized by the authorities of the United States and the Republic of Korea in accordance with mutually agreed conditions, goods purchased in the Republic of Korea exempt from taxes referred to in paragraph 3, shall not be disposed of in the Republic of Korea to persons not entitled to purchase such goods exempt from such taxes.

## ARTICLE XVII

## Labor

1. In this Article the expression:

(a) "employer" refers to the United States armed forces (including non-appropriated fund organizations) and the persons referred to in the first paragraph of Article XV;

(b) "employee" refers to any civilian (other than a member of the civilian component or a contractor employee under Article XV) employed by an employer, except (1) a member of the Korean Service Corps and (2) a domestic employed by an individual member of the United States armed forces, the civilian component or dependent thereof. Such employees shall be nationals of the Republic of Korea.

2. Employers may recruit, employ and administer their personnel. Recruitment services of the Government of the Republic of Korea will be utilized insofar as is practicable. In case employers accomplish direct recruitment of employees, employers will provide such relevant information as may be required for labor administration to the Office of Labor Affairs of the Republic of Korea.

3. To the extent not inconsistent with the provisions of this Article or the military requirements of the United States armed forces, the conditions of employment, compensation, and labor-management relations established by the United States armed forces for their employees shall conform with provisions of labor legislation of the Republic of Korea.

4. (a) In consideration of provision for collective action in labor legislation of the Republic of Korea, any dispute between employers and employees or any recognized employee organization, which can not be settled through grievance or labor relations procedures of the United States armed forces, shall be settled as follows:

(i) The dispute shall be referred to the Office of Labor Affairs of the Republic of Korea for conciliation.

(ii) In the event that the dispute is not settled by the procedure described in (i) above, the matter will be referred to the Joint Committee, which may refer the matter to a special committee designated by the Joint Committee for further conciliation efforts.

(iii) In the event that the dispute is not settled by the procedures outlined above, the Joint Committee will resolve the dispute, assuring that expeditious procedures are followed. The decisions of the Joint Committee shall be binding.

(iv) Failure of any recognized employee organization or employee to abide by the decision of the Joint Committee on any dispute, or engaging in practices disruptive of normal work requirements during settlement procedures, shall be considered just cause for the withdrawal of recognition of that organization and the discharge of that employee.

(v) Neither employee organizations nor employees shall engage in any practices disruptive of normal work requirements unless a period of at least 70 days has elapsed after the dispute is referred to the Joint Committee, as stipulated in subparagraph (ii), above.

(b) Employees or any employee organization shall have the right of further collective action in the event a labor dispute is not resolved by the foregoing procedures except in cases where the Joint Committee determines such action seriously hampers military operations of the United States armed forces for the joint defense of the Republic of Korea. In the event an agreement cannot be reached on this question in the Joint Committee, it may be made the subject of review through discussions between appropriate officials of the Government of the Republic of Korea and the diplomatic mission of the United States of America.

(c) In the event of a national emergency, such as war, hostilities, or situations where war or hostilities may be imminent, the application of this Article shall be limited in accordance with emergency measures taken by the Government of the Republic of Korea in consultation with the military authorities of the United States.

5. (a) Should the Republic of Korea adopt measures allocating labor, the United States armed forces shall be accorded allocation privileges no less favorable than those enjoyed by the armed forces of the Republic of Korea.

(b) In the event of a national emergency, such as war, hostilities, or situations where war or hostilities may be imminent, employees who have acquired skills essential to the mission of the United States armed forces shall, upon request of the United States armed forces be deferred through mutual consultation from Republic of Korea military service or other compulsory service. The United States armed forces shall furnish in advance to the Republic of Korea lists of those employees deemed essential.

6. Members of the civilian component shall not be subject to laws or regulations of the Republic of Korea with respect to their terms and condition of employment.

#### ARTICLE XVIII

### Foreign Exchange Controls

1. Members of the United States armed forces, the civilian component and their dependents, shall be subject to the foreign exchange controls of the Government of the Republic of Korea.

2. The preceding paragraph shall not be construed to preclude the transmission into or out of the Republic of Korea of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of the Republic of Korea.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the foreign exchange controls of the Republic of Korea.

#### ARTICLE XIX

### Military Payment Certificates

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions. The Government of the United States will take

appropriate action to ensure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of the Republic of Korea will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will, to the extent authorized by United States law, apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of the Republic of Korea, or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within the Republic of Korea.

2. In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Korean commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by Article XVIII, paragraph 2, of this Agreement.

#### ARTICLE XX

##### Military Post Offices

The United States may establish and operate, within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in the Republic of Korea and between such military post offices and other United States post offices.

#### ARTICLE XXI

##### Accounting Procedures

It is agreed that arrangements will be effected between the Governments of the United States and the Republic of Korea for accounting applicable to financial transactions arising out of this Agreement.

#### ARTICLE XXII

##### Criminal Jurisdiction

1. Subject to the provisions of this Article:

(a) the military authorities of the United States shall have the right to exercise within the Republic of Korea all criminal and

disciplinary jurisdiction conferred on them by the law of the United States over members of the United States armed forces or civilian component, and their dependents;

(b) the authorities of the Republic of Korea shall have jurisdiction over the members of the United States armed forces or civilian component, and their dependents, with respect to offenses committed within the territory of the Republic of Korea and punishable by the law of the Republic of Korea.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over members of the United States armed forces or civilian component, and their dependents, with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of the Republic of Korea.

(b) The authorities of the Republic of Korea shall have the right to exercise exclusive jurisdiction over members of the United States armed forces or civilian component, and their dependents, with respect to offenses, including offenses relating to the security of the Republic of Korea, punishable by its law but not by the law of the United States.

(c) For the purpose of this paragraph and of paragraph 3 of this Article, a security offense against a State shall include:

- (i) treason against the State;
- (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or civilian component, and their dependents, in relation to:

(i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense, the authorities of the Republic of Korea shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in the Republic of Korea, unless they are members of the United States armed forces.

5. (a) The military authorities of the United States and the authorities of the Republic of Korea shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of the Republic of Korea and in handing them over to the authority which is to have custody in accordance with the following provisions.

(b) The authorities of the Republic of Korea shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, or civilian component, or a dependent. The military authorities of the United States shall promptly notify the authorities of the Republic of Korea of the arrest of a member of the United States armed forces, the civilian component, or a dependent in any case in which the Republic of Korea has the primary right to exercise jurisdiction.

(c) The custody of an accused member of the United States armed forces or civilian component, or of a dependent, over whom the Republic of Korea is to exercise jurisdiction shall, if he is in the hands of the military authorities of the United States, remain with the military authorities of the United States pending the conclusion of all judicial proceedings and until custody is requested by the authorities of the Republic of Korea. If he is in the hands of the Republic of Korea, he shall, on request, be handed over to the military authorities of the United States and remain in their custody pending completion of all judicial proceedings and until custody is requested by the authorities of the Republic of Korea. When an accused has been in the custody of the military authorities of the United States, the military authorities of the United States may transfer custody to the authorities of the Republic of Korea at any time, and shall give sympathetic consideration to any request for the transfer of custody which may be made by the authorities of the Republic of Korea in specific cases. The military authorities of the United States shall promptly make any such accused available to the authorities of the Republic of Korea upon their request for purposes of investigation and trial, and shall take all appropriate measures to that end and to prevent any prejudice to the course of justice. They shall take full account of any special request regarding custody made by the authorities of the Republic of Korea. The authorities of the Republic of Korea shall give sympathetic consideration to a request from the military authorities of the United States for assistance in maintaining custody of an accused member of the United States armed forces, the civilian component, or a dependent.

(d) In respect of offenses solely against the security of the Republic of Korea provided in paragraph 2(c), an accused shall be in the custody of the authorities of the Republic of Korea.

6. (a) The military authorities of the United States and the authorities of the Republic of Korea shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The military authorities of the United States and the authorities of the Republic of Korea shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in the Republic of Korea by the military authorities of the United States if the legislation of the Republic of Korea does not provide for such punishment in a similar case.

(b) The authorities of the Republic of Korea shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of the Republic of Korea. The authorities of the Republic of Korea shall also give sympathetic consideration to a request from the authorities of the United States for the custody of any member of the United States armed forces or civilian component or a dependent, who is serving a sentence of confinement imposed by a court of the Republic of Korea. If such custody is released to the military authorities of the United States, the United States shall be obligated to continue the confinement of the individual in an appropriate confinement facility of the United States until the sentence to confinement shall have been served in full or until release from such confinement shall be approved by competent authorities of the Republic of Korea. In such cases, the authorities of the United States shall furnish relevant information on a routine basis to the authorities of the Republic of Korea, and a representative of the Government of the Republic of Korea shall have the right to have access to a member of the United States armed forces, the civilian component, or a dependent who is serving a sentence imposed by a court of the Republic of Korea in confinement facilities of the United States.

8. Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or the authorities of the Republic of Korea and has been acquitted, or has been convicted and is serving, or has served, his sentence, or his sentence has been remitted or suspended, or he has been pardoned, he may not be tried again for the same offense within the territory of the Republic of Korea by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of the Republic of Korea.

9. Whenever a member of the United States armed forces or civilian component or a dependent is prosecuted under the jurisdiction of the Republic of Korea he shall be entitled:

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of the Republic of Korea;
- (e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in the Republic of Korea;
- (f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article II of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of the Republic of Korea and in liaison with those authorities, and insofar as such employment is necessary to maintain discipline and order among the members of the United States armed forces, or ensure their security.

11. In the event of hostilities to which the provisions of Article II of the Mutual Defense Treaty apply, the provisions of this Agreement pertaining to criminal jurisdiction shall be immediately suspended and the military authorities of the United States shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents.

12. The provisions of this Article shall not apply to any offenses committed before the entry into force of this Agreement. Such cases shall be governed by the provisions of the Agreement between the United States of America and the Republic of Korea effected by an exchange of notes at Taejon on July 12, 1950.<sup>[1]</sup>

#### ARTICLE XXIII

##### Claims

1. Each Party waives all its claims against the other Party for damage to any property owned by it and used by its armed forces, if such damage—

(a) was caused by a member or an employee of the armed forces of the other Party, in performance of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other Party and used by its armed forces, provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes or that the damage was caused to property being so used.

Claims for maritime salvage by one Party against the other Party shall be waived, provided that the vessel or cargo salvaged was owned by the other Party and being used by its armed forces for official purposes.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by either Party, the issue of liability of the other Party shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with subparagraph (b) of this paragraph. The arbitrator shall also decide any counterclaims arising out of the same incident.

(b) The arbitrator referred to in subparagraph (a) above shall be selected by agreement between the two Governments from among the

<sup>1</sup> TIAS 3012; 5 UST (pt. 2) 1408.

nationals of the Republic of Korea who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e)(i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Each Party waives its claim in any such case up to the amount of 1,400 United States dollars or its equivalent in Korean currency at the rate of exchange provided for in the Agreed Minute to Article XVIII<sup>[1]</sup> at the time the claim is filed.

3. For the purpose of paragraphs 1 and 2 of this Article the expression "owned by a Party" in the case of a vessel includes a vessel on bare boat charter to that Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Party).

4. Each Party waives all its claims against the other Party for injury or death suffered by any member of its armed forces while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraph 6 or 7 of this Article apply) arising out of acts or omissions of members or employees of the United States armed forces, including those employees who are nationals of or ordinarily resident in the Republic of Korea, done in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces are legally responsible, and causing damage in the Republic of Korea to third Parties, other than the Government of the Republic of Korea, shall be dealt with by the Republic of Korea in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the Republic of Korea with respect to the claims arising from the activities of its own armed forces.

(b) The Republic of Korea may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the Republic of Korea in won.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the Republic of Korea, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Parties.

(d) Every claim paid by the Republic of Korea shall be communicated to the appropriate United States authorities together with full particulars and a proposed distribution in conformity with subparagraph (e) (i) and (ii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding subparagraph and paragraph 2 of this Article shall be distributed between the Parties as follows:

---

<sup>1</sup> *Post*, p. 503.

(i) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 percent chargeable to the Republic of Korea and 75 percent chargeable to the United States.

(ii) Where the Republic of Korea and the United States are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them. Where the damage was caused by the armed forces of the Republic of Korea or of the United States and it is not possible to attribute it specifically to one or both of those armed forces, the amount awarded or adjudged shall be distributed equally between the United States and the Republic of Korea.

(iii) Every half year, a statement of the sums paid by the Republic of Korea in the course of the half-yearly period in respect of every case regarding which the liability, amount, and proposed distribution on a percentage basis has been approved by both Governments shall be sent to the appropriate authorities of the United States, together with a request for reimbursement. Such reimbursement shall be made in won within the shortest possible time. The approval by both Governments as referred to in this subparagraph shall not prejudice any decision taken by the arbitrator or adjudication by a competent tribunal of the Republic of Korea as set forth in paragraphs 2(c) and 5(c) respectively.

(f) Members or employees of the United States armed forces, including those employees who are nationals of or ordinarily resident in the Republic of Korea, shall not be subject to any proceedings for the enforcement of any judgment given against them in the Republic of Korea in a matter arising from the performance of their official duties.

(g) Except insofar as subparagraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members or employees of the United States armed forces (except employees who are nationals of or ordinarily resident in the Republic of Korea) arising out of tortious acts or omissions in the Republic of Korea not done in the performance of official duty shall be dealt with in the following manner:

(a) The authorities of the Republic of Korea shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the appropriate United States authorities, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the United States authorities shall make the payment themselves and inform the

authorities of the Republic of Korea of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of the Republic of Korea to entertain an action against a member or employee of the United States armed forces unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the United States armed forces shall be dealt with in accordance with paragraph 6 of this Article, except insofar as the United States armed forces are legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member or an employee of the United States armed forces was done in the performance of official duty or as to whether the use of any vehicle of the United States armed forces was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

9. (a) The United States shall not claim immunity from the jurisdiction of the courts of the Republic of Korea for members or employees of the United States armed forces in respect of the civil jurisdiction of the courts of the Republic of Korea except in respect of proceedings for the enforcement of any judgment given against them in the Republic of Korea in a matter arising from the performance of their official duties or except after payment in full satisfaction of a claim.

(b) In the case of any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under the law of the Republic of Korea, and is within the facilities and areas in use by the United States armed forces, the authorities of the United States shall, upon the request of the courts of the Republic of Korea, render all assistance within their power to see that such property is turned over to the authorities of the Republic of Korea.

(c) The authorities of the United States and the Republic of Korea shall cooperate in the procurement of evidence for a fair disposition of claims under this Article.

10. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, or services by or for the United States armed forces, which are not resolved by the Parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right, which Parties to the contract may have, to file a civil suit.

11. Paragraphs 2 and 5 of this Article shall apply only to claims arising incident to non-combat activities.

12. For the purposes of this Article, members of the Korean Augmentation to the United States Army (KATUSA) shall be considered as members of the United States armed forces.

13. The provisions of this Article shall not apply to any claims which arose before the entry into force of this Agreement. Such claims shall be processed and settled by the authorities of the United States.

## ARTICLE XXIV

## Vehicle and Driver's Licenses

1. The Republic of Korea shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the United States, or political subdivision thereof, to a member of the United States armed forces, the civilian component, and their dependents.

2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

3. The Government of the Republic of Korea will license and register those vehicles privately owned by members of the United States armed forces, the civilian components, or dependents. The names of the owners of such vehicles and such other pertinent information as is required by the law of the Republic of Korea to effect the licensing and registration of such vehicles shall be furnished to the Government of the Republic of Korea by officials of the Government of the United States through the Joint Committee. Except for the actual cost of the issuance of license plates, members of the United States armed forces, the civilian component, and their dependents shall be exempt from the payment of all fees and charges relating to the licensing, registration, or operation of vehicles in the Republic of Korea and, in accordance with the provisions of Article XIV, from the payment of all taxes relating thereto.

## ARTICLE XXV

## Security Measures

The United States and the Republic of Korea will cooperate in taking such steps as may from time to time be necessary to insure the security of the United States armed forces, the members thereof, the civilian component, the persons who are present in the Republic of Korea pursuant to Article XV, their dependents and their property. The Government of the Republic of Korea agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records, and official information of the United States and, consistent with Article XXII, to ensure the punishment of offenders under the applicable laws of the Republic of Korea.

## ARTICLE XXVI

## Health and Sanitation

Consistent with the right of the United States to furnish medical support for its armed forces, civilian component and their dependents, matters of mutual concern pertaining to the control and prevention of diseases and the coordination of other public health, medical, sanitation, and veterinary services shall be resolved by the authorities of the two Governments in the Joint Committee established under Article XXVIII.

## ARTICLE XXVII

## Enrollment and Training of Reservists

The United States may enroll in its reserve forces and train, in the Republic of Korea, eligible United States citizens who are in the Republic of Korea.

## ARTICLE XXVIII

## Joint Committee

1. A Joint Committee shall be established as the means for consultation between the Government of the United States and the Government of the Republic of Korea on all matters requiring mutual consultation regarding the implementation of this Agreement except where otherwise provided. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in the Republic of Korea which are required for the use of the United States in carrying out the purposes of this Agreement.

2. The Joint Committee shall be composed of a representative of the Government of the United States and a representative of the Government of the Republic of Korea, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the Government of the United States or the Government of the Republic of Korea.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

## ARTICLE XXIX

## Entry into Force of Agreement

1. This Agreement shall enter into force three months after the date of a written notification from the Government of the Republic of Korea to the Government of the United States that it has approved the Agreement in accordance with its legal procedures.<sup>[1]</sup>

2. The Government of the Republic of Korea shall undertake to seek from its legislature all legislative and budgetary action necessary to give effect to the provisions of this Agreement.

3. Subject to the provisions of Article XXII, paragraph 12, this Agreement shall, upon its entry into force, supersede and replace the Agreement between the Government of the United States and the Government of the Republic of Korea on jurisdictional matters, effected by an exchange of notes at Taejon on July 12, 1950.<sup>[2]</sup>

4. Within the scope of this Agreement, paragraph 12 of Article III of the Agreement on Economic Coordination between the Republic of Korea and the Unified Command of May 24, 1952,<sup>[3]</sup> shall not apply to members of the United States armed forces, civilian component, invited contractors, or dependents thereof.

<sup>1</sup> Feb. 9, 1967.

<sup>2</sup> TIAS 3012; 5 UST 1408.

<sup>3</sup> TIAS 2593; 3 UST (pt. 4) 4432.

## ARTICLE XXX

## Revision of Agreement

Either Government may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiations through appropriate channels.

## ARTICLE XXXI

## Duration of Agreement

This Agreement, and agreed revisions thereof, shall remain in force while the Mutual Defense Treaty between the United States and the Republic of Korea remains in force unless terminated earlier by agreement between the two Governments.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate, in the English and Korean languages, Both texts shall have equal authenticity, but in case of divergence the English text shall prevail.

DONE at Seoul this ninth day of July 1966.

FOR THE UNITED STATES  
OF AMERICA

DEAN RUSK  
WINTHROP P. BROWN

[SEAL]

FOR THE REPUBLIC  
OF KOREA

TONG WON LEE  
POK KEE MIN

[SEAL]

**Agreed Minutes to the Agreement Under Article IV of the Mutual Defense Treaty Between the United States of America and the Republic of Korea, Regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea**

The Plenipotentiaries of the United States of America and the Republic of Korea wish to record the following understanding which they have reached during the negotiations for the Agreement under Article IV of the Mutual Defense Treaty between the United States of America and the Republic of Korea, Regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea, signed today.[<sup>1</sup>]

Article I

With regard to subparagraph (b), it is recognized that persons possessing certain skills, not available from United States or Korean sources, who are nationals of third states, may be brought into the Republic of Korea by the United States armed forces solely for employment by the United States armed forces. Such persons, and third state nationals who are employed by, serving with, or accompanying the United States armed forces in the Republic of Korea when this Agreement becomes effective, shall be considered as members of the civilian component.

<sup>1</sup> *Ante*, p. 474.

### Article III

It is agreed that in the event of an emergency, the United States armed forces shall be authorized to take such measures in the vicinity of the facilities and areas as may be necessary to provide for their safeguarding and control.

### Article IV

1. All removable facilities erected or constructed by or on behalf of the United States at its expense and all equipment, material and supplies brought into or procured in the Republic of Korea by or on behalf of the United States in connection with the construction, development, operation, maintenance, safeguarding and control of the facilities and areas will remain the property of the United States Government and may be removed from the Republic of Korea.

2. All removable facilities, equipment and material or portions thereof provided by the Republic of Korea under this Agreement and located within the facilities and areas referred to in this Article shall be returned to the Republic of Korea whenever they are no longer needed for the purpose of this Agreement.

### Article VI

1. It is understood that any changes determined by the authorities of the Republic of Korea in priorities, conditions, and rates or tariffs, applicable to the United States armed forces shall be the subject of consultation in the Joint Committee prior to their effective date.

2. This Article will not be construed as in any way abrogating the Utilities Claims Settlement Agreement of December 18, 1958,<sup>[2]</sup> which continues in full force and effect unless otherwise agreed by the two Governments.

3. In an emergency the Republic of Korea agrees to take appropriate measures to assure provision of utilities and services necessary to meet the needs of the United States armed forces.

### Article VIII

1. With regard to paragraph 3(a), United States armed forces law enforcement personnel (such as Military Police, Shore Patrol, Air Police, Office of Special Investigations, Criminal Investigation Division, and Counterintelligence Corps), who engage in military police activities in the Republic of Korea, will carry a bilingual identity card containing the bearer's name, position, and the fact that he is a member of a law enforcement agency. This card will be shown upon request to persons concerned when the bearer is in the performance of duty.

2. The United States armed forces will furnish, upon request, to the authorities of the Republic of Korea, the form of the identification cards of the members of the United States armed forces, the civilian component, and their dependents and descriptions of the various unit forms of the United States armed forces in the Republic of Korea.

3. The final sentence of paragraph 3 means that members of the United States armed forces will display their identity cards upon request but will not be required to surrender them to authorities of the Republic of Korea.

4. Following a change of status pursuant to paragraph 5, the responsibilities of the United States authorities under paragraph 6 shall arise only if the expulsion order is issued within a reasonable time after

<sup>2</sup> TIAS 4168; 10 UST 41.

the notice under paragraph 5 has been communicated to the authorities of the Republic of Korea.

#### Article IX

1. The quantity of goods imported under paragraph 2 by non-appropriated fund organizations of the United States armed forces for the use of persons authorized by Article XIII and its Agreed Minute [3] shall be limited to the extent reasonably required for such use.

2. Paragraph 3(a) does not require concurrent shipment of goods with travel of owner nor does it require single loading or shipment. In this connection, members of the United States armed forces or civilian component and their dependents may import free of duty reasonable quantities of their furniture, household goods and personal effects during a period of six months from the date of their first arrival.

3. The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all cargo consigned to the United States armed forces (including their authorized procurement agencies and their non-appropriated fund organizations provided for in Article XIII). Pertinent information on cargo consigned to non-appropriated fund organizations will be furnished on a routine basis to the authorities of the Republic of Korea. The extent of the pertinent information will be determined by the Joint Committee.

4. The United States armed forces will take every practicable measure to ensure that goods will not be imported into the Republic of Korea by or for the members of the United States armed forces, the civilian component, or their dependents, the entry of which would be in violation of customs laws and regulations of the Republic of Korea. The United States armed forces will promptly notify customs authorities of the Republic of Korea whenever the entry of such goods is discovered.

5. The customs authorities of the Republic of Korea may, if they consider that there has been an abuse or infringement in connection with the entry of goods under Article IX, take up the matter with the appropriate authorities of the United States armed forces.

6. The words "The United States armed forces shall render all assistance within their power," etc., in paragraph 9 (b) and (c) refer to reasonable and practicable measures by the United States armed forces.

7. It is understood that the duty-free treatment provided in paragraph 2 shall apply to materials, supplies, and equipment imported for sale through commissaries and non-appropriated fund organizations, under such regulations as the United States armed forces may promulgate, to those individuals and organizations referred to in Article XIII and its Agreed Minute.

#### Article X

1. "United States and foreign vessels . . . operated by, for, or under the control of the United States for official purposes" means public vessels and chartered vessels (bare boat charter, voyage charter and time charter). Space charter is not included. Commercial cargo and private passengers are carried by them only in exceptional cases.

2. The ports of the Republic of Korea mentioned herein will ordinarily mean "open ports".

3. The exemption from making the "appropriate notification" referred to in paragraph 3 will apply only in unusual cases where such

<sup>3</sup> *Ante*, p. 481; *post*, pp. 501, 510.

is required for security of the United States armed forces or similar reasons.

4. The laws and regulations of the Republic of Korea will be applicable except as specifically provided otherwise in this Article.

#### Article XII

Installation by the United States armed forces of permanent navigational aids for vessels and aircraft outside of facilities and areas in use by the United States armed forces will be effected in accordance with the procedures established under paragraph 1 of Article III.

#### Article XIII

The United States armed forces may grant the use of the organizations referred to in paragraph 1 of Article XIII to: (a) other officers or personnel of the Government of the United States ordinarily accorded such privileges; (b) those other non-Korean armed forces in the Republic of Korea under the Unified Command which receive logistical support from the United States armed forces, and their members; (c) those non-Korean persons whose presence in the Republic of Korea is solely for the purpose of providing contract services financed by the Government of the United States; (d) those organizations which are present in the Republic of Korea primarily for the benefit and service of the United States armed forces, such as the American Red Cross and the United Service Organizations, and their non-Korean personnel; (e) dependents of the foregoing; and (f) other persons and organizations with the express consent of the Government of the Republic of Korea.

#### Article XV

1. The execution of contracts with the United States in addition to those specified in paragraph 1 of Article XV shall not exclude the persons provided for in Article XV from the application of that Article.

2. Contractor employees who are present in the Republic of Korea on the effective date of this Agreement and who would qualify for the privileges contained in Article XV but for the fact that they are not ordinarily resident in the United States shall be entitled to enjoy such privileges so long as their presence is for the purpose stated in paragraph 1 of Article XV.

#### Article XVI

1. The United States armed forces will furnish the authorities of the Republic of Korea with appropriate information as far in advance as practicable on anticipated major changes in their procurement program in the Republic of Korea.

2. The problem of a satisfactory settlement of difficulties with respect to procurement contracts arising out of differences between economic laws and business practices of the Republic of Korea and the United States will be studied by the Joint Committee or other appropriate representatives.

3. The procedures for securing exemptions from taxation on purchases of goods for ultimate use by the United States armed forces will be as follows:

(a) Upon appropriate certification by the United States armed forces that materials, supplies and equipment consigned to or

destined for such forces, are to be used, or wholly or partially used up, under the supervision of such forces, exclusively in the execution of contracts for the construction, maintenance or operation of the facilities and areas referred to in Article V or for the support of the forces therein, or are ultimately to be incorporated into articles or facilities used by such forces, an authorized representative of such forces shall take delivery of such materials, supplies and equipment directly from manufacturers thereof. In such circumstances the collection of taxes referred to in Article XVI, paragraph 3, shall be held in abeyance.

(b) The receipt of such materials, supplies and equipment in the facilities and areas shall be confirmed by an authorized representative of the United States armed forces to the authorities of the Republic of Korea.

(c) Collection of the taxes on such materials, supplies and equipment shall be held in abeyance until

(i) the United States armed forces confirm and certify the quantity or degree of consumption of the above referred to materials, supplies and equipment, or

(ii) the United States armed forces confirm and certify the amount of the above referred to materials, supplies, and equipment which have been incorporated into articles or facilities used by the United States armed forces.

(d) Materials, supplies and equipment certified under (c)(i) or (ii) shall be exempt from taxes referred to in Article XVI, paragraph 3, insofar as the price thereof is paid out of appropriations of the Government of the United States or out of funds contributed by the Government of the Republic of Korea for disbursement by the Government of the United States.

4. Regarding paragraph 3 it is understood that "materials, supplies, equipment and services procured for official purposes" refers to direct procurement by the United States armed forces or their authorized procurement agencies from Korean suppliers. "Materials, supplies, equipment and services procured for ultimate use" refers to procurement by contractors of the United States armed forces from Korean suppliers of items to be incorporated into or necessary for the production of the end product of their contracts with the United States armed forces.

#### Article XVII

1. It is understood that the Government of the Republic of Korea shall be reimbursed for direct costs incurred in providing assistance requested pursuant to paragraph 2.

2. The undertaking of the Government of the United States to conform to the provisions of labor legislation of the Republic of Korea does not imply any waiver by the Government of the United States of its immunities under international law. The Government of the United States may terminate employment at any time the continuation of such employment is inconsistent with the military requirements of the United States armed forces.

3. Employers will withhold from the pay of their employees, and pay over to the Government of the Republic of Korea, withholdings required by the income tax legislation of the Republic of Korea.

4. When employers cannot conform with provisions of labor legislation of the Republic of Korea applicable under this Article on ac-

count of the military requirements of the United States armed forces, the matter shall be referred, in advance, to the Joint Committee for consideration and appropriate action. In the event mutual agreement cannot be reached in the Joint Committee regarding appropriate action, the issue may be made the subject of review through discussions between appropriate officials of the Government of the Republic of Korea and the diplomatic mission of the United States of America.

5. A union or other employee group shall be recognized by the employers unless its objectives are inimical to the common interests of the United States and the Republic of Korea. Membership or non-membership in such groups shall not be a factor in employment or other actions affecting employees.

#### Article XVIII

Payment in the Republic of Korea by the United States armed forces, including those organizations provided for in Article XIII, to persons other than members of the United States armed forces, civilian component, their dependents and those persons referred to in Article XV shall be effected in accordance with the Foreign Exchange Control Law and regulations of the Republic of Korea. The funds to be used for these transactions shall be convertible into currency of the Republic of Korea at the highest rate in terms of the number of Korean won per United States dollar which at the time the conversion is made is not unlawful in the Republic of Korea.

#### Article XX

United States military post offices may be used by other officers and personnel of the Government of the United States, and their dependents, ordinarily accorded such privileges abroad.

#### Article XXII

The provisions of this Article shall not affect existing agreements, arrangements, or practices, relating to the exercise of jurisdiction over personnel of the United Nations forces present in the Republic of Korea other than forces of the United States.

##### Re Paragraph 1(a)

It is understood that under the present state of United States law the military authorities of the United States have no effective criminal jurisdiction in peacetime over members of the civilian component or dependents. If the scope of United States military jurisdiction changes as a result of subsequent legislation, constitutional amendment, or decision by appropriate authorities of the United States, the Government of the United States shall inform the Government of the Republic of Korea through diplomatic channels.

##### Re Paragraph 1(b)

1. In the event that martial law is declared by the Republic of Korea, the provisions of this Article shall be immediately suspended in the part of the Republic of Korea under martial law, and the military authorities of the United States shall have the right to exercise exclusive jurisdiction over members of the United States armed forces or civilian component, and their dependents, in such part until martial law is ended.

2. The jurisdiction of the authorities of the Republic of Korea over members of the United States armed forces or civilian component, and

their dependents, shall not extend to any offenses committed outside the Republic of Korea.

Re Paragraph 2

The Republic of Korea, recognizing the effectiveness in appropriate cases of the administrative and disciplinary sanctions which may be imposed by the United States authorities over members of the United States armed forces or civilian component, and their dependents, may, at the request of the military authorities of the United States, waive its right to exercise jurisdiction under paragraph 2.

Re Paragraph 2(c)

Each Government shall inform the other of the details of all security offenses mentioned in this subparagraph, and of the provisions regarding such offenses in its legislation.

Re Paragraph 3(a)

1. Where a member of the United States armed forces or civilian component is charged with an offense, a certificate issued by competent military authorities of the United States stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of official duty shall be sufficient evidence of the fact for the purpose of determining primary jurisdiction. The term "official duty" as used in this Article and Agreed Minute is not meant to include all acts by members of the United States armed forces and the civilian component during periods when they are on duty, but is meant to apply only to acts which are required to be done as functions of those duties which the individuals are performing.

2. In those exceptional cases where the Chief Prosecutor for the Republic of Korea considers that there is proof contrary to a certificate of official duty, it shall be made the subject of review through discussions between appropriate officials of the Government of the Republic of Korea and the diplomatic mission of the United States in the Republic of Korea.

Re Paragraph 3(b)

1. The authorities of the Republic of Korea, recognizing that it is the primary responsibility of the military authorities of the United States to maintain good order and discipline where persons subject to United States military laws are concerned, will, upon the request of the military authorities of the United States pursuant to paragraph 3(c), waive their primary right to exercise jurisdiction under paragraph 3(b) except when they determine that it is of particular importance that jurisdiction be exercised by the authorities of the Republic of Korea.

2. With the consent of the competent authorities of the Republic of Korea, the military authorities of the United States may transfer to the courts or authorities of the Republic of Korea for investigation, trial and decision, particular criminal cases in which jurisdiction rests with the United States.

With the consent of the military authorities of the United States, the competent authorities of the Republic of Korea may transfer to the military authorities of the United States for investigation, trial and decision, particular criminal cases in which jurisdiction rests with the Republic of Korea.

3. (a) Where a member of the United States armed forces or civilian component, or a dependent, is arraigned before a court of the

United States, for an offense committed in the Republic of Korea against Korean interests, the trial shall be held within the Republic of Korea.

(i) except where the law of the United States requires otherwise, or

(ii) except where, in cases of military exigency or in the interests of justice, the military authorities of the United States intend to hold the trial outside the Republic of Korea. In this event they shall afford the authorities of the Republic of Korea timely opportunity to comment on such intention and shall give due consideration to any comments the latter may make.

(b) Where the trial is held outside of the Republic of Korea the military authorities of the United States shall inform the authorities of the Republic of Korea of the place and date of the trial. A representative of the Republic of Korea shall be entitled to be present at the trial. The authorities of the United States shall inform the authorities of the Republic of Korea of the judgment and the final outcome of the proceedings.

4. In the implementation of the provisions of this Article, and to facilitate the expeditious disposal of offenses, arrangements may be made between the competent authorities of the Republic of Korea and the military authorities of the United States.

#### Re Paragraph 6

1. The military authorities of the United States and the authorities of the Republic of Korea shall assist each other in obtaining the appearance of witnesses necessary for the proceedings conducted by such authorities within the Republic of Korea.

When a member of the United States armed forces in the Republic of Korea is summoned to appear before a court of the Republic of Korea, as a witness or as a defendant, United States military authorities shall, unless military exigency requires otherwise, secure his attendance provided such attendance is compulsory under the law of the Republic of Korea. If military exigency prevents such attendance, the military authorities of the United States shall furnish a certificate stating the estimated duration of such disability.

Service of process upon a member of the United States armed forces or civilian component, or a dependent required as a witness or a defendant must be personal service in the English language. Where the service of process is to be effected by a process server of the Republic of Korea upon any person who is inside a military installation or area, the military authorities of the United States shall take all measures necessary to enable the process server to effect such service.

In addition, the authorities of the Republic of Korea shall promptly give copies of all criminal writs (including warrants, summonses, indictments, and subpoenas) to an agent designated by the United States military authorities to receive them in all cases of criminal proceedings of the Republic of Korea involving a member of the United States armed forces or civilian component, or a dependent.

When citizens or residents of the Republic of Korea are required as witnesses or experts by the military authorities of the United States, the courts and authorities of the Republic of Korea shall, in accordance with the law of the Republic of Korea, secure the attendance of such persons. In these cases the military authorities of the United States shall act through the Attorney General of the Republic of Korea, or

such other agency as is designated by the authorities of the Republic of Korea.

Fees and other payments for witnesses shall be determined by the Joint Committee established under Article XXVIII.

2. The privileges and immunities of witnesses shall be those accorded by the law of the court, tribunal or authority before which they appear. In no event shall a witness be required to provide testimony which may tend to incriminate him.

3. If, in the course of criminal proceedings before authorities of the United States or the Republic of Korea, the disclosure of an official secret of either of these States or the disclosure of any information which may prejudice the security of either appears necessary for the just disposition of the proceedings, the authorities concerned shall seek written permission to make such disclosure from the appropriate authority of the State concerned.

#### Re Paragraph 9(a)

The right to a prompt and speedy trial by the courts of the Republic of Korea shall include public trial by an impartial tribunal composed exclusively of judges who have completed their probationary period. A member of the United States armed forces, or civilian component, or a dependent, shall not be tried by a military tribunal of the Republic of Korea.

#### Re Paragraph 9(b)

A member of the United States armed forces or civilian component, or a dependent, shall not be arrested or detained by the authorities of the Republic of Korea without adequate cause, and he shall be entitled to an immediate hearing at which such cause must be shown in open court in his presence and the presence of his counsel. His immediate release shall be ordered if adequate cause is not shown. Immediately upon arrest or detention he shall be informed of the charges against him in a language which he understands.

He shall also be informed a reasonable time prior to trial of the nature of the evidence that is to be used against him. Counsel for the accused shall, upon request, be afforded the opportunity before trial to examine and copy the statements of witnesses obtained by authorities of the Republic of Korea which are included in the file forwarded to the court of the Republic of Korea scheduled to try the case.

#### Re Paragraph 9(c) and (d)

A member of the United States armed forces or civilian component, or a dependent, who is prosecuted by the authorities of the Republic of Korea shall have the right to be present throughout the testimony of all witnesses, for and against him, in all judicial examinations, pre-trial hearings, the trial itself, and subsequent proceedings, and shall be permitted full opportunity to examine the witnesses.

#### Re Paragraph 9(e)

The right to legal representation shall exist from the moment of arrest or detention and shall include the right to have counsel present, and to consult confidentially with such counsel, at all preliminary investigations, examinations, pre-trial hearings, the trial itself, and subsequent proceedings, at which the accused is present.

#### Re Paragraph 9(f)

The right to have the services of a competent interpreter shall exist from the moment of arrest or detention.

## Re Paragraph 9(g)

The right to communicate with a representative of the Government of the United States shall exist from the moment of arrest or detention, and no statement of the accused taken in the absence of such a representative shall be admissible as evidence in support of the guilt of the accused. Such representative shall be entitled to be present at all preliminary investigations, examinations, pretrial hearings, the trial itself, and subsequent proceedings, at which the accused is present.

## Re Paragraph 9

A member of the United States armed forces or civilian component, or a dependent, tried by the authorities of the Republic of Korea shall be accorded every procedural and substantive right granted by law to the citizens of the Republic of Korea. If it should appear that an accused has been, or is likely to be, denied any procedural or substantive right granted by law to the citizens of the Republic of Korea, representatives of the two Governments shall consult in the Joint Committee on the measures necessary to prevent or cure such denial of rights.

In addition to the rights enumerated in items (a) through (g) of paragraph 9 of this Article, a member of the United States armed forces or civilian component, or a dependent, who is presented by the authorities of the Republic of Korea:

- (a) shall have the right to appeal a conviction or sentence;
- (b) shall have credited to any sentence of confinement his period of pretrial confinement in a confinement facility of the United States or the Republic of Korea;
- (c) shall not be held guilty of a criminal offense on account of any act or omission which did not constitute a criminal offense under the law of the Republic of Korea at the time it was committed;
- (d) shall not be subject to a heavier penalty than the one that was applicable at the time the alleged criminal offense was committed or was adjudged by the court of first instance as the original sentence;
- (e) shall not be held guilty of an offense on the basis of rules of evidence or requirements of proof which have been altered to his prejudice since the date of the commission of the offense;
- (f) shall not be compelled to testify against or otherwise incriminate himself;
- (g) shall not be subject to cruel or unusual punishment;
- (h) shall not be subject to prosecution or punishment by legislative or executive act;
- (i) shall not be prosecuted or punished more than once for the same offense;
- (j) shall not be required to stand trial if he is physically or mentally unfit to stand trial and participate in his defense;
- (k) shall not be subject to trial except under conditions consonant with the dignity of the United States armed forces, including appearing in appropriate military or civilian attire and unmanacled.

No confession, admission or other statement, obtained by torture, violence, threat, deceit, or after prolonged arrest, or detention, or which has been made involuntarily, and no real evidence which has been obtained by torture, violence, threat, deceit, or as a result of an

unreasonable search and seizure without a warrant, will be considered by the courts of the Republic of Korea as evidence in support of the guilt of the accused under this Article.

In any case prosecuted by the authorities of the Republic of Korea under this Article no appeal will be taken by the prosecution from a judgment of not guilty or an acquittal nor will an appeal be taken by the prosecution from any judgment which the accused does not appeal, except upon grounds of errors of law.

The military authorities of the United States shall have the right to inspect any confinement facility of the Republic of Korea in which a member of the United States armed forces, civilian component, or a dependent is confined, or in which it is proposed to confine such an individual.

In the event of hostilities, the Republic of Korea will take all possible measures to safeguard members of the United States armed forces, members of the civilian component, and their dependents who are confined in confinement facilities of the Republic of Korea, whether awaiting trial or serving a sentence imposed by the courts of the Republic of Korea. The Republic of Korea shall give sympathetic consideration to requests for release of these persons to the custody of responsible United States military authorities. Necessary implementing provisions shall be agreed upon between the two Governments through the Joint Committee.

Facilities utilized for the execution of a sentence to death or a period of confinement, imprisonment, or penal servitude, or for the detention of members of the United States armed forces or civilian component or dependents, will meet minimum standards as agreed by the Joint Committee. The military authorities of the United States shall have the right upon request to have access at any time to members of the United States armed forces, the civilian component, or their dependents who are confined or detained by authorities of the Republic of Korea. During the visit of these persons at confinement facilities of the Republic of Korea, military authorities of the United States shall be authorized to provide supplementary care and provisions for such persons, such as clothing, food, bedding, and medical and dental treatment.

#### Re Paragraph 10(a) and 10(b)

1. The military authorities of the United States will normally make all arrests within facilities and areas in use by the United States armed forces. This shall not preclude the authorities of the Republic of Korea from making arrests within facilities and areas in cases where the competent authorities of the United States armed forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the authorities of the Republic of Korea, and who are not members of the United States armed forces or civilian component or dependents, are within facilities and areas in use by the United States armed forces, the military authorities of the United States will undertake, upon request, to arrest such persons. Any person arrested by the military authorities of the United States who is not a member of the United States armed forces or civilian component or a dependent shall immediately be turned over to the authorities of the Republic of Korea.

The military authorities of the United States may arrest or detain in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person who is not a member of the United States armed forces or civilian component or a dependent shall immediately be turned over to the authorities of the Republic of Korea.

2. The authorities of the Republic of Korea will normally not exercise the right of search, seizure, or inspection with respect to any person or property within facilities and areas in use by the United States armed forces or with respect to property of the United States wherever situated, except in cases where the competent military authorities of the United States consent to such search, seizure, or inspection by the authorities of the Republic of Korea of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States in the Republic of Korea is desired by the authorities of the Republic of Korea, the military authorities of the United States will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the Government of the United States or its instrumentalities, the United States will in accordance with its laws turn over such property to the authorities of the Republic of Korea for disposition in accordance with the judgment.

#### Article XXIII

1. Unless otherwise provided, the provisions of paragraphs 5, 6, 7 and 8 of this Article will become effective six months from the date of entry into force of this Agreement with respect to claims arising from incidents in the Seoul Special City area, and one year from that date with respect to claims arising elsewhere in the Republic of Korea.

2. Until such time as the provisions of paragraphs 5, 6, 7 and 8 become effective in any given area:

(a) The United States shall process and settle claims (other than contractual claims) arising out of the acts or omissions of members or employees of the United States armed forces done in the performance of official duty or out of any other act, omission or occurrence for which the United States armed forces are legally responsible, which cause damage in the Republic of Korea to Parties other than the two Governments;

(b) The United States shall entertain other non-contractual claims against members or employees of the armed forces and may offer an *ex gratia* payment in such cases and in such amounts as is determined by the appropriate United States authorities; and

(c) Each Party shall have the right to determine whether a member or employee of its armed forces was engaged in the performance of official duties and whether property owned by it was being used by its armed forces for official purposes.

3. For the purposes of subparagraph 2(d), subparagraph 5(e) shall be effective throughout the Republic of Korea from the date of entry into force of this Agreement.

#### Article XXVIII

The exception provided for in the first sentence of paragraph 1 is relevant only to paragraph 2, subparagraphs (b) and (c) of Article III.

SEOUL, July 9, 1966

**Agreed Understandings to the Agreement Under Article VI of the Mutual Defense Treaty Between the United States of America and the Republic of Korea, Regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea and Related Agreed Minutes**

*Article IX*

Paragraph 5

1. Examination of parcels in the United States military post office mails in the Republic of Korea by customs inspectors of the Republic of Korea will be conducted so as not to damage the contents of the parcels inspected or delay delivery of the mail.

2. Such examinations will be conducted in United States military post office installations in the presence of United States officials.

3. No parcel in the military post office mails will be removed from United States postal channels except as mutually agreed.

4. It is understood that the right of inspection will be exercised on a "sample check" basis so as not to unduly delay delivery or increase the administrative burden of the postal authorities.

Agreed Minute 3

1. Pertinent information shall include cargo manifests and shipping documents.

2. In addition to information provided on a routine basis, other pertinent information will be provided on request through the Joint Committee.

*Article XIII*

Agreed Minute

It is understood that the present use of non-appropriated fund organizations by organizations and persons other than those referred to in items (a), (b), (c), (d), and (e) shall immediately be suspended at the time of the entry into force of this Agreement. The extent of organizations and persons to be granted the use of such organizations under item (f) of this Minute shall be left to further negotiations between the appropriate authorities of the two Governments.

*Article XV*

Paragraph 1

If the United States authorities determine that there would be significant advantage for United States-Republic of Korea mutual defense to utilize one or more third-country corporations as United States armed forces invited contractors, the authorities of the Government of the Republic of Korea shall give sympathetic consideration to a United States request to extend the benefits of this Agreement to such non-United States corporations.

Paragraph 8

Unless otherwise agreed in the Joint Committee, the privileges provided for in the second sentence of paragraph 8 of this Article shall be extended only to United States nationals.

*Article XVII*

Paragraph 1 (b)

1. Local residents, who are third-country nationals and are also local-hire United States armed forces employees, and local-hire invited

contractor employees paid in won, on the effective date of the Agreement, shall be excluded from the application of this provision.

2. The provisions of paragraph 1 (b) do not preclude the United States armed forces from bringing into the Republic of Korea, without privileges, third-country contractor employees possessing special skills not available from the Korean labor force.

**Paragraph 3 and Agreed Minute 4**

It is understood that the deviation from labor legislation of the Republic of Korea need not be referred to the Joint Committee in cases when such referral would seriously hamper military operations in an emergency.

*Article XIX*

The United States and the Republic of Korea agree that nothing in this Agreement in any way prevents the appropriate authorities of either the United States or the Republic of Korea from raising any appropriate matter at any time with each other. The United States authorities recognize the desire of the authorities of the Republic of Korea to discuss the disposal of military payment certificates under custody of the Government of the Republic of Korea. However, both the United States and Republic of Korea authorities have agreed to remove from the text of the Status of Forces Agreement any reference to the question of compensation for military payment certificates held by unauthorized persons. This agreement does not prejudice the position of either Party in connection with discussion of this question through other channels.

*Article XXII*

**Agreed Minute Re Paragraph 1 (a)**

The Government of the Republic of Korea agrees that, upon notification under the second sentence of the Agreed Minute Re Paragraph 1 (a), the military authorities of the United States may exercise jurisdiction over such persons in accordance with the terms of the Criminal Jurisdiction Article.

**Paragraph 1 (b)**

The civil authorities of the Republic of Korea will retain full control over the arrest, investigation and trial of a member of the United States armed forces or civilian component or a dependent.

**Agreed Minute Re Paragraph 2**

It is understood that the United States authorities shall exercise utmost restraint in requesting waivers of exclusive jurisdiction as provided for in the Agreed Minute Re Paragraph 2 of this Article.

**Agreed Minute Re Paragraph 3 (a)**

1. With regard to the Agreed Minute Re Paragraph 3 (a), a substantial departure from the acts a person is required to perform in a particular duty usually will indicate an act outside of his "official duty."

2. A duty certificate shall be issued only upon the advice of a Staff Judge Advocate, and the competent authority issuing the duty certificate shall be a general grade officer.

3. (a) The certificate will be conclusive unless modification is agreed upon. The United States authorities shall give due considera-

tion to any objection which may be raised by the Chief Prosecutor for the Republic of Korea.

(b) The accused should not be deprived of his entitlement to a prompt and speedy trial as a result of protracted reconsideration of the duty certificate.

Agreed Minute Re Paragraph 3 (b)

1. It is understood that the term "of particular importance" has reference to those cases in which, after a careful examination of each specific case, the exercise of jurisdiction by the Republic of Korea is deemed essential, and the term has reference, in general but not exclusively, to the following types of offense:

- (a) security offenses against the Republic of Korea;
- (b) offenses causing the death of a human being, robbery, and rape, except where the offenses are directed against a member of the United States armed forces, the civilian component, or a dependent; and

(c) attempts to commit such offenses or participation therein.

2. In respect of the offenses referred to in the above paragraph, the authorities concerned shall proceed in particularly close cooperation from the beginning of the preliminary investigation in order to provide the mutual assistance envisaged in paragraph 6 of Article XXII.

3. In cases where, in the view of the United States authorities, any question arises concerning the determination that a case is one "of particular importance," the United States diplomatic mission reserves the right and expects to be afforded an opportunity to confer with the proper authorities of the Republic of Korea.

Paragraph 5

With regard to the custody of the accused in the hands of the authorities of the Republic of Korea in connection with security offenses:

1. There must be mutual United States-Republic of Korea agreement as to the circumstances in which such custody is appropriate.

2. Confinement facilities of the Republic of Korea must be adequate by United States standards.

Agreed Minute Re Paragraph 9, Subparagraph (a) of Second Unnumbered Paragraph

Under the appellate procedure of the courts of the Republic of Korea, the accused may request a re-examination of the evidence, including new evidence and witnesses, as a basis for new findings of fact by the appellate court.

*Article XXIII*

Paragraph 12

The liability for claims generated by Korean Service Corps personnel will be determined by other negotiations between the United States and the Republic of Korea.

*Article XXV*

In cooperating with each other under this Article, the two Governments agree that each will take such measures as may be necessary to ensure the security and protection of the United States armed forces, the members thereof, the civilian component, the persons who are present in the Republic of Korea pursuant to the Article dealing with invited contractors, their dependents and their property.

**Exchange of Notes Between the Governments of the Republic of Korea and the United States of America***Translation*

REPUBLIC OF KOREA,  
MINISTRY OF FOREIGN AFFAIRS,  
*July 9, 1966.*

DEAR MR. AMBASSADOR:

Today the Governments of the Republic of Korea and the United States have formally signed the agreement between the United States of America and the Republic of Korea regarding facilities and areas and the status of United States armed forces in the Republic of Korea. Article XXII of that Agreement and its Agreed Minutes [1] provide for the exercise of jurisdiction over members of the United States armed forces, the civilian component, and their dependents in the Republic of Korea. In this regard, the Government of the Republic of Korea, conscious of the strong ties of mutual respect and friendship which bind our two countries, and recognizing the vital role which United States armed forces play in the defense of the Republic of Korea, proposes the following understandings for procedural arrangements pursuant to Paragraph 4 of the Agreed Minute Re Paragraph 3(b).[2]

[For the English language text see below.]

I would be grateful for your confirmation of the above understandings.

Sincerely yours,

TONG WON LEE,  
*Minister of Foreign Affairs.*

His Excellency

WINTHROP G. BROWN,  
*Ambassador of the United States of America  
Seoul, Korea.*

*The American Ambassador to the Korean Minister of Foreign Affairs  
SEOUL, KOREA,  
July 9, 1966.*

His Excellency

TONG WON LEE,  
*Minister of Foreign Affairs  
of the Republic of Korea, Seoul.*

DEAR MR. MINISTER:

I have received your letter of this date on the subject of the agreement signed today between the Republic of Korea and the United States of America regarding facilities and areas and the status of United States armed forces in the Republic of Korea, and confirm the following understandings contained therein with respect to the exercise of jurisdiction over members of the United States armed forces, the civilian component, and their dependents:

<sup>1</sup> *Ante*, pp. 488, 503, 511.

<sup>2</sup> *Ante*, pp. 503, 512.

That, to facilitate the processing of cases resulting from the presence of United States armed forces deployed in Korea for mutual defense purposes, in implementation of the provisions of the Agreed Minute Re Paragraph 3 (b), the Government of the Republic of Korea will not require the military authorities of the United States to make a request for a waiver in each particular case, and the military authorities of the United States shall have jurisdiction unless the Government of the Republic of Korea determines in a specific case that it is of particular importance that jurisdiction be exercised therein by the authorities of the Republic of Korea;

That, in the interest of expediting the administration of justice, any such determination by the Government of the Republic of Korea shall be provided in writing by the Minister of Justice to the appropriate military authorities of the United States within fifteen days after the Republic of Korea is notified or is otherwise apprised of the commission of an offense falling within its primary jurisdiction, or such shorter period as may be mutually agreed upon pursuant to Paragraph 4 of the Agreed Minute Re Paragraph 3 (b). The military authorities of the United States shall not exercise jurisdiction before the expiration of the fifteen days or other agreed period.

Very sincerely yours,

WINTHROP G. BROWN, *Ambassador.*

