

No. 6666

**UNITED STATES OF AMERICA
and
REPUBLIC OF CHINA**

**Exchange of notes constituting an agreement relating to
the construction of a scatter wave radio facility in the
vicinity of Yangmingshan, Taiwan (with related letter).
Taipei, 6 August 1958**

Official texts: English and Chinese.

Registered by the United States of America on 24 April 1963.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE DE CHINE**

**Échange de notes constituant un accord relatif à la construc-
tion d'une station de diffusion troposphérique d'ondes
radioélectriques à proximité de Yangmingshan (Taïwan)
(avec lettre connexe). Taïpeh, 6 août 1958**

Textes officiels anglais et chinois.

Enregistré par les États-Unis d'Amérique le 24 avril 1963.

No. 6666. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA RELATING TO THE CONSTRUCTION OF A SCATTER WAVE RADIO FACILITY IN THE VICINITY OF YANGMINGSHAN, TAIWAN. TAIPEI, 6 AUGUST 1958

I

The American Ambassador to the Chinese Minister of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

Taipei, August 6, 1958

No. 3

Excellency :

I have the honor to state that the United States Government, in the interest of improving the communications network on Taiwan and of the Far East area, desires to construct a scatter wave radio facility at a site known as Chiu-Tzu-Hu, located near Yangmingshan, which has been selected with the approval of the military authorities of the Chinese Government. This facility will not only improve radio communications generally but will contribute materially to the overall defense of Taiwan. The disposition of the facility and personnel necessary to construct, maintain, and operate such facility shall be in accordance with the provisions of Article VII of the Mutual Defense Treaty between the United States and the Republic of China.²

To facilitate the necessary construction and operations regarding this activity I propose the following understandings between our two Governments :

1. Pending completion of the status of forces and military facilities agreement now under negotiation between the Governments of the United States and the Republic of China, the United States armed forces and the members thereof, civilian employees of the United States Government who are United States nationals, and the dependents of the foregoing personnel, who enter Taiwan to carry out the functions contemplated by these understandings, shall in their relations with the Government of China be accorded the same privileges, exemptions and immunities enjoyed by the United States Government and the members of the United States Military Assistance Advisory Group (MAAG) pursuant to the exchanges of notes between the two Governments regarding this activity

¹ Came into force on 6 August 1958 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 248, p. 213.

at Taipei, Taiwan on January 30 and February 9, 1951¹ and on October 23 and November 1, 1952.²

2. The Chief, MAAG, or his representatives may select and engage such individual persons, corporations, companies, and partnerships of United States nationality, herein referred to as "Contractors", as he may deem necessary for purposes of carrying out the functions contemplated in these understandings. It is, of course, understood that local unskilled laborers will be used exclusively and local Contractors will be engaged to the maximum practicable extent. Such of the Contractors and their sub-contractors as must be brought into Taiwan shall not be required to hold license or to register in order to perform in Taiwan the work contemplated by these understandings, nor to maintain a resident representative after completion of their contract and after fulfilment of their contractual obligations assumed in their dealings with residents of Taiwan or government agencies of the Republic of China. Terms and conditions of employment of Contractor personnel brought into Taiwan pursuant to this understanding shall be exempt from the application of laws and regulations of the Government of the Republic of China. It is of course understood that terms and conditions of employment of residents of Taiwan will be subject to Chinese law.

3. The Government of the Republic of China, at times appropriate to the orderly and economical prosecution of the agreed construction work, and without cost to the United States Government, its Contractors or sub-contractors, will, on request, place at the disposal of the Chief, MAAG, areas necessary for carrying out the construction and related work contemplated by these understandings. The term "necessary areas" shall be understood to include in addition to the real estate on which construction will be performed, rights to use of water available, rights of entry for purposes of survey, and such borrow areas, spoil areas, quarry sites and aggregate production sites in streams or elsewhere as may be necessary, together with rights of ingress and egress and rights to remove such materials or deposit excess materials as may be necessary to the agreed construction work. Such necessary areas other than the real estate on which the facility will be located shall cease to be at the disposal of Chief, MAAG, upon completion of the construction work contemplated by these understandings.

4. The Government of the Republic of China will hold the Government of the United States, its Contractors and their sub-contractors harmless for such destruction of any buildings, streets, roads, public utilities and improvements of any kind on real property placed at the disposal of the Chief, MAAG, as necessary to the construction work contemplated by these understandings. Should any relocations of facilities be required or resettlement costs be involved, relocation and resettlement shall be accomplished by the Government of the Republic of China at its own expense and at such time as not to interfere with the orderly and economical prosecution of the work.

5. All property, materials, equipment and supplies imported into or re-exported from Taiwan by the Government of the United States or by its Contractors or their sub-contractors brought into Taiwan, in connection with the agreed construction or work related thereto and certified to as such by the Chief, MAAG, shall be accorded the same customs and tax exemptions as are accorded MAAG under the Mutual Defense Assistance

¹ United Nations, *Treaty Series*, Vol. 132, p. 273.

² United Nations, *Treaty Series*, Vol. 184, p. 348.