

No. 8308

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

**Agreement on the status of United States armed forces in
the Republic of China (with exchange of notes). Signed
at Taipei, on 31 August 1965**

Official texts: Chinese and English.

Registered by the Republic of China on 1 September 1966.

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

**Accord concernant le statut des forces armées américaines
dans la République de Chine (avec échange de notes).
Signé à Taïpeh, le 31 août 1965**

Textes officiels chinois et anglais.

Enregistré par la République de Chine le 1^{er} septembre 1966.

No. 8308. AGREEMENT¹ BETWEEN THE REPUBLIC OF CHINA AND THE UNITED STATES OF AMERICA ON THE STATUS OF UNITED STATES ARMED FORCES IN THE REPUBLIC OF CHINA. SIGNED AT TAIPEI, ON 31 AUGUST 1965

Whereas the Republic of China and the United States of America on December 2, 1954,² signed a Mutual Defense Treaty which contains in Article VII provisions for the disposition of United States land, air land sea forces in and about Taiwan and Penghu (the Pescadores); and

Whereas, in implementing the aforementioned treaty provisions the Republic of China and the United States of America 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 Republic of China and the United States of America 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.

¹ Came into force on 12 April 1966, the date of the exchange of notes of approval, in accordance with article XIX (1).

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

2. For the purpose of this Agreement, persons with dual Chinese-United States 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. 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 Chinese and United States 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 Republic of China and the United States 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 Republic of China and the Government of the United States 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 installation 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 Republic of China and the United States 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 compo-