

No. 9605

UNITED STATES OF AMERICA
and
REPUBLIC OF KOREA

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 (with agreed minutes, agreed understandings and exchange of letters). Signed at Seoul on 9 July 1966

Authentic texts : English and Korean.

Registered by the United States of America on 6 June 1969.

ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE DE CORÉE

Accord relatif aux zones et installations et au statut des forces armées des États-Unis dans la République de Corée, conclu conformément à l'article IV du Traité de défense mutuelle (avec minutes approuvées, protocole interprétatif et échange de lettres). Signé à Séoul le 9 juillet 1966

Textes authentiques : anglais et coréen.

Enregistré par les États-Unis d'Amérique le 6 juin 1969.

AGREEMENT¹ 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

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, 1950,² June 27, 1950,³ and July 7, 1950⁴, 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;⁵

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, 1950,⁶ as amended ;⁷

(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

¹ Came into force on 9 February 1967, i.e., three months after the date of a written notification from the Government of the Republic of Korea to the Government of the United States of America as it had approved the Agreement in accordance with its legal procedures, in accordance with article XXIX (1).

² United Nations, *Official Records of the Security Council, Fifth Year, Resolutions and Decisions of the Security Council 1950* (S.INF/5/Rev. 1), p. 4.

³ *Ibid.*, p. 5.

⁴ *Ibid.*, p. 5.

⁵ United Nations, *Treaty Series*, Vol. 238, p. 199.

⁶ *Ibid.*, Vol. 178, p. 97.

⁷ *Ibid.*, Vol. 400, p. 386.

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 ;

(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 furnishing, 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, 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 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 measures 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, transporta-