

No. 4067

**UNITED STATES OF AMERICA
and
KOREA**

Exchange of notes constituting an agreement relating to the disposition of equipment and materials under the mutual defense assistance program. Seoul, 28 May and 2 July 1956

Official text: English.

Registered by the United States of America on 11 November 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
CORÉE**

Échange de notes constituant un accord relatif à l'affectation à donner à l'équipement et au matériel fournis dans le cadre du programme d'aide pour la défense mutuelle. Séoul, 28 mai et 2 juillet 1956

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 11 novembre 1957.

No. 4067. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND KOREA RELATING TO THE DISPOSITION OF EQUIPMENT AND MATERIALS UNDER THE MUTUAL DEFENSE ASSISTANCE PROGRAM. SEOUL, 28 MAY AND 2 JULY 1956

I

The American Chargé d'Affaires ad interim to the Korean Acting Minister of Foreign Affairs

AMERICAN EMBASSY

No. 243

Seoul, May 28, 1956

Excellency :

I have the honor to refer to paragraph 3 of the exchange of notes between our two Governments, dated January 4 and January 7, 1952,² wherein it was agreed that procedures would be established to insure that equipment and materials furnished as a grant by the Government of the United States under the Mutual Defense Assistance Act of 1949, as amended, and no longer required for the purposes for which they were originally made available to the Republic of Korea will be offered for return to the Government of the United States for appropriate disposition. I also refer to recent conversations between officers of the Ministry and of the Embassy relative to the provision of Section 511 (c) of the Mutual Security Act of 1954 which requires that the Government of the United States make certain arrangements for the return of military equipment with each nation receiving equipment or materials under the Act.

I have the honor to confirm below my understanding of the agreement reached in the conversations on this subject :

The Government of the United States of America and the Government of the Republic of Korea undertake the following arrangements in accordance with paragraph 3 of the exchange of notes of January 4 and 7, 1952, between the two Governments, respecting the disposition of military equipment and materials furnished by the Government of the United States and no longer required or used exclusively for the purposes for which they were made available :

¹ Came into force on 2 July 1956 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 179, p. 105.

1. The Government of the Republic of Korea will report to the Government of the United States such equipment or materials as are no longer required and used exclusively and effectively for the purposes of and in accordance with the Agreement of January 26, 1950,¹ respecting Military Assistance between the two Governments. The Government of the United States may also draw to the attention of the appropriate authorities of the Korean Government any equipment or materials which it considers to fall within the scope of these arrangements, and when so notified the authorities of the two Governments will consult with a view to disposing of any such items in accordance with the procedures set out in the following paragraphs.

2. The Government of the United States may accept title to such equipment or materials for transfer to a third country or for such disposition as may be made by the Government of the United States.

3. When title is accepted by the Government of the United States, such equipment or materials will be delivered as it may request free alongside ship at a Korean port or free on board inland carrier at a shipping point in Korea designated by the Government of the United States, or, in the case of flightdeliverable aircraft, at such airfield in Korea as may be designated by the Government of the United States.

4. Such equipment or materials as are not accepted by the Government of the United States will be disposed of by the Government of the Republic of Korea as may be agreed between the two Governments.

5. Any salvage or scrap from military equipment or materials furnished by the Government of the United States shall be reported to the Government of the United States and shall be disposed of in accordance with paragraphs 2, 3, and 4 of the present arrangements.

Upon the receipt of a note from your Government indicating that the foregoing procedural arrangements are acceptable to the Government of Korea, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the two Governments on this subject which shall enter into force on the date of your note in reply.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

Carl W. STROM

His Excellency Cho Chong-hwan
Acting Minister of Foreign Affairs
Republic of Korea

¹ United Nations, *Treaty Series*, Vol. 80, p. 205.

II

*The Korean Acting Minister of Foreign Affairs to the American Chargé d'Affaires
ad interim*

REPUBLIC OF KOREA
MINISTRY OF FOREIGN AFFAIRS

No. 89P1744

July 2, 1956

Sir :

I have the honor to acknowledge receipt of your note No. 243 dated May 28, 1956 which reads as follows :

[*See note I*]

I have the honour to inform you that the Korean Government agrees to the contents of the note quoted above and to confirm that your note and this replying note constitute an agreement between the two Governments which shall enter into force on this date.

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

CHO CHONG-HWAN

The Honorable Carl W. Strom
Chargé d'Affaires
American Embassy