

**DOCUMENTS
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FOR
MILITARY LAWYERS**

**VOL. III
STATUS OF FORCES**

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STATUS OF FORCES**



**THE JUDGE ADVOCATE GENERAL'S SCHOOL
U. S. ARMY
CHARLOTTESVILLE, VIRGINIA**

JANUARY 1969

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EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE
UNITED NATIONS AND THE GOVERNMENT OF CYPRUS CONCERNING
THE STATUS OF THE UNITED NATIONS PEACE-KEEPING FORCE IN
CYPRUS.¹ NEW YORK, 31 MARCH 1964

I

31 March 1964

Sir,

I have the honour to refer to the resolution adopted by the Security Council of the United Nations on 4 March 1964 (S/5575). In paragraph 4 of that resolution the Security Council recommended the creation, with the consent of the Government of the Republic of Cyprus, of a United Nations peace-keeping force in Cyprus. By letter of 4 March 1964, the Minister for Foreign Affairs of Cyprus informed the Secretary-General of the consent of the Government of the Republic of Cyprus to the creation of the Force. The Force was established on 27 March 1964. I have also the honour to refer to Article 105 of the Charter of the United Nations which provides that the Organization shall enjoy in the territory of its Members such privileges and immunities as are necessary for the fulfilment of its purposes, and to the Convention on the Privileges and Immunities of the United Nations to which Cyprus is a party. Having in view the provisions of the Convention on the Privileges and Immunities of the United Nations, I wish to propose that the United Nations and Cyprus should make the following *ad hoc* arrangements defining certain of the conditions necessary for the effective discharge of the functions of the United Nations Force while it remains in Cyprus. These arrangements are set out below under the following headings:

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¹ Came into force provisionally on 31 March 1964 by the exchange of the said letters, and was deemed to have taken effect as from 14 March 1964, the date of the arrival of the first element of the Force in Cyprus, in accordance with the provisions of paragraph 45.

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DEFINITIONS

1. The "United Nations Force in Cyprus" (hereinafter referred to as "the Force") consists of the United Nations Commander appointed by the Secretary-General in accordance with the Security Council resolution of 4 March 1964 (S/5575) and all military personnel placed under his command. For the purpose of these arrangements, the term "member of the Force" refers to any person, belonging to the military service of a State, who is serving under the Commander of the United Nations Force and to any civilian placed under the Commander by the State to which such civilian belongs.

2. "Cypriot authorities" means all State and local, civil and military authorities of the Government of the Republic of Cyprus called upon to perform functions relating to the Force under the provisions of these arrangements, without prejudice to the ultimate responsibility of the Government of the Republic of Cyprus (hereinafter referred to as "the Government").

3. "Participating State" means a Member of the United Nations that contributes military personnel to the Force.

4. "Area of operations" includes all areas throughout the territory of the Republic of Cyprus (which territory is hereinafter referred to as "Cyprus") where the Force is deployed in the performance of its functions as defined in operative paragraph 5 of the Security Council resolution of 4 March 1964 (S/5575); military installations or other premises referred to in paragraph 19 of these arrangements; and lines of communication and supply utilized by the Force pursuant to paragraphs 32 and 33 of these arrangements.

INTERNATIONAL STATUS OF THE FORCE AND ITS MEMBERS

5. Members of the Force shall respect the laws and regulations of Cyprus and shall refrain from any activity of a political character in Cyprus and from any action incompatible with the international nature of their duties or inconsistent with the spirit of the present arrangements. The Commander shall take all appropriate measures to ensure the observance of these obligations.

6. The Government undertakes to respect the exclusively international character of the Force as established by the Secretary-General in accordance with the Security Council resolution of 4 March 1964 (S/5575) and the international nature of its command and function.

ENTRY AND EXIT: IDENTIFICATION

7. Members of the Force shall be exempt from passport and visa regulations and immigration inspection and restrictions on entering or departing from Cyprus. They shall also be exempt from any regulations governing the residence of aliens in Cyprus, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Cyprus. For the purpose of such entry or departure members of the Force will be required to have only (a) an individual or collective movement order issued by the Commander or an appropriate authority of the Participating State; and (b) a personal identity card issued by the Commander under the authority of the Secretary-General, except in the case of first entry, when the personal military identity card issued by the appropriate authorities of the Participating State will be accepted in lieu of the said Force identity card.

8. Members of the Force may be required to present, but not to surrender, their identity cards upon demand of such Cypriot authorities as may be mutually agreed between the Commander and the Government. Except as provided in paragraph 7 of these arrangements, the identity card will be the only document required for a member of the Force. If, however, it does not show the full name, date of birth, rank and number (if any), service and photograph of a member of the Force, such member may be required to present likewise the personal military identity card or similar document issued by the appropriate authorities of the Participating State to which he belongs.

9. If a member of the Force leaves the service of the Participating State to which he belongs and is not repatriated, the Commander shall immediately inform the Government, giving such particulars as may be required. The Commander shall similarly inform the Government if any member of the Force has absented himself for more than twenty-one days. If an expulsion order against an ex-member of the Force has been made, the Commander shall be responsible for ensuring that the person concerned shall be received within the territory of the Participating State concerned.

JURISDICTION

10. The following arrangements respecting criminal and civil jurisdiction are made having regard to the special functions of the Force and to the interests of the United Nations, and not for the personal benefit of the members of the Force.

CRIMINAL JURISDICTION

11. Members of the Force shall be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offences which may be committed by them in Cyprus.

CIVIL JURISDICTION

12. (a) Members of the Force shall not be subject to the civil jurisdiction of the courts of Cyprus or to other legal process in any matter relating to their official duties. In a case arising from a matter relating to the official duties of a member of the Force and which involves a member of the Force and a Cypriot citizen, and in other disputes as agreed, the procedure provided in paragraph 38 (b) shall apply to the settlement.

(b) In those cases where civil jurisdiction is exercised by the courts of Cyprus with respect to members of the Force, the courts or other Cypriot authorities shall grant members of the Force sufficient opportunity to safeguard their rights. If the Commander certifies that a member of the Force is unable because of official duties or authorized absence to protect his interests in a civil proceeding in which he is a participant, the aforesaid court or authority shall at his request suspend the proceeding until the elimination of the disability, but for not more than ninety days. Property of a member of the Force which is certified by the Commander to be needed by him for the fulfilment of his official duties shall be free from seizure for the satisfaction of a judgement, decision or order, together with other property not subject thereto under the law of Cyprus. The personal liberty of a member of the Force shall not be restricted by a court or other Cypriot authority in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath of disclosure, or for any other reason.

(c) In the cases provided for in sub-paragraph (b) above, the claimant may elect to have his claim dealt with in accordance with the procedure set out in paragraph 38 (b) of these arrangements. Where a claim adjudicated or an award made in favour of the claimant by a court of Cyprus or the Claims Commission under paragraph 38 (b) of these arrangements has not been made satisfied, the Government may, without prejudice to the claimant's rights, seek the good offices of the Secretary-General to obtain satisfaction.

NOTIFICATION: CERTIFICATION

13. If any civil proceeding is instituted against a member of the Force before any court of Cyprus having jurisdiction, notification shall be given to the Commander. The Commander shall certify to the court whether or not the proceeding is related to the official duties of such member.

MILITARY POLICE: ARREST: TRANSFER OF CUSTODY AND MUTUAL ASSISTANCE

14. The Commander shall take all appropriate measures to ensure maintenance of discipline and good order among members of the Force. To this end military police designated by the Commander shall police the premises referred to in paragraph 19 of these arrangements, such areas where the Force is deployed in the performance of its functions, and such other areas as the Commander deems necessary to maintain discipline and order among members of the Force. For the purpose of this paragraph the military police of the Force shall have the power of arrest over members of the Force.

15. Military police of the Force may take into custody any Cypriot citizen committing an offence or causing a disturbance on the premises referred to in paragraph 19, without subjecting him to the ordinary routine of arrest, in order immediately to deliver him to the nearest appropriate Cypriot authorities for the purpose of dealing with such offence or disturbance.

16. The Cypriot authorities may take into custody a member of the Force, without subjecting him to the ordinary routine of arrest in order immediately to deliver him, together with any weapons or items seized, to the nearest appropriate authorities of the Force: (a) when so requested by the Commander, or (b) in cases in which the military police of the Force are unable to act with the necessary promptness when a member of the Force is apprehended in the commission or attempted commission of a criminal offence that results or might result in serious injury to persons or property, or serious impairment of other legally protected rights.

17. When a person is taken into custody under paragraph 15 and paragraph 16 (b), the Commander or the Cypriot authorities, as the case may be, may make a preliminary

interrogation but may not delay the transfer of custody. Following the transfer of custody, the person concerned shall be made available upon request for further interrogation.

18. The Commander and the Cypriot authorities shall assist each other in the carrying out of all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over, of things connected with an offence. The handing over of any such things may be made subject to their return within the time specified by the authority delivering them. Each shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs 15 and 16 of these arrangements. The Government will ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to the Force or its members which, if committed in relation to the Cypriot army or its members, would have rendered them liable to prosecution. The Secretary-General will seek assurances from Governments of Participating States that they will be prepared to exercise jurisdiction with respect to crimes or offences which may be committed against Cypriot citizens by members of their national contingents serving with the Force.

PREMISES OF THE FORCE

19. The Government shall provide without cost to the Force and in agreement with the Commander such areas for headquarters, camps, or other premises as may be necessary for the accommodation and the fulfilment of the functions of the Force. Without prejudice to the fact that all such premises remain the territory of Cyprus, they shall be inviolable and subject to the exclusive control and authority of the Commander, who alone may consent to the entry of officials to perform duties on such premises.

UNITED NATIONS FLAG

20. The Government recognizes the right of the Force to display within Cyprus the United Nations flag on its headquarters, camps, posts or other premises, vehicles, vessels and otherwise as decided by the Commander. Other flags or pennants may be displayed only in exceptional cases and in accordance with conditions prescribed by the Commander. Sympathetic consideration will be given to observations or requests of the Government concerning this last-mentioned matter.

UNIFORM: VEHICLE, VESSEL AND AIRCRAFT MARKINGS AND REGISTRATION: OPERATING PERMITS

21. Members of the Force shall normally wear their national uniform with such identifying United Nations insignia as the Commander may prescribe. The conditions on which the wearing of civilian dress is authorized shall be notified by the Commander to the Government and sympathetic consideration will be given to observations or requests of the Government concerning this matter. Service vehicles, vessels and aircraft shall carry a distinctive United Nations identification mark and licence which shall be notified by the Commander to the Government. Such vehicles, vessels and aircraft shall not be subject to registration and licensing under the laws and regulations of Cyprus. Cypriot authorities shall accept as valid, without a test or fee, a permit or licence for the operation of service vehicles, vessels and aircraft issued by the Commander.

ARMS

22. Members of the Force may possess and carry arms in accordance with their orders.

PRIVILEGES AND IMMUNITIES OF THE FORCE

23. The Force, as a subsidiary organ of the United Nations, enjoys the status, privileges and immunities of the Organization in accordance with the Convention on the Privileges and Immunities of the United Nations. The provisions of article II of the Convention on the Privileges and Immunities of the United Nations shall also apply to the property, funds and assets of Participating States used in Cyprus in connexion with the national contingents serving in the Force. The Government recognizes that the right of the Force to import free of duty equipment for the Force and provisions, supplies and other goods for the exclusive use of members of the Force, members of the United Nations Secretariat detailed by the Secretary-General to serve with the Force, excluding locally recruited personnel, includes the right of the Force to establish, maintain and operate at headquarters, camps and posts, service institutes providing amenities for the persons aforesaid. The amenities that may be provided by service institutes shall be goods of a consumable nature (tobacco and tobacco products, beer, etc.), and other customary articles of small value. To the end that duty-free importation for the Force may be effected with the least possible delay, having regard to the interests of the Government, a mutually satisfactory procedure, including documentation, shall be arranged between the appropriate authorities of the Force and the Government. The Commander shall take all necessary measures to prevent any abuse of the exemption and to prevent the sale or resale of such goods to persons other than those aforesaid. Sympathetic consideration shall be given by the Commander to observations or requests of the Government concerning the operation of service institutes.

PRIVILEGES AND IMMUNITIES OF OFFICIALS AND MEMBERS OF THE FORCE

24. Members of the United Nations Secretariat detailed by the Secretary-General to serve with the Force remain officials of the United Nations entitled to the privileges and immunities of articles V and VII of the Convention on the Privileges and Immunities of the United Nations. With respect to the locally recruited personnel of the Force, however, who are not members of the Secretariat, the United Nations will assert its right only to the immunities concerning official acts, and exemption from taxation and national service obligations provided in sections 18 (a), (b) and (c) of the Convention on the Privileges and Immunities of the United Nations.

25. The Commander shall be entitled to the privileges, immunities and facilities of sections 19 and 27 of the Convention on the Privileges and Immunities of the United Nations. Officers serving on the Commander's Headquarters Staff and such other senior field officers as he may designate are entitled to the privileges and immunities of article VI of the Convention on the Privileges and Immunities of the United Nations. Subject to the foregoing, the United Nations will claim with respect to members of the Force only those rights expressly provided in the present or supplemental arrangements.

MEMBERS OF THE FORCE: TAXATION, CUSTOMS AND FISCAL REGULATIONS

26. Members of the Force shall be exempt from taxation on the pay and emoluments received from their national Governments or from the United Nations. They shall also be exempt from all other direct taxes except municipal rates for services enjoyed, and from all registration fees, and charges.

27. Members of the Force shall have the right to import free of duty their personal effects in connexion with their arrival in Cyprus. They shall be subject to the laws and regulations of Cyprus governing customs and foreign exchange with respect to personal property not required by them by reason of their presence in Cyprus with the Force. Special facilities for entry or exit shall be granted by the Cypriot immigration, customs and fiscal

authorities to regularly constituted units of the Force provided that the authorities concerned have been duly notified sufficiently in advance. Members of the Force on departure from Cyprus may, notwithstanding the foreign exchange regulations, take with them such funds as the appropriate pay officer of the Force certifies were received in pays and emoluments from their respective national Governments or from the United Nations and are a reasonable residue thereof. Special arrangements between the Commander and the Government shall be made for the implementation of the foregoing provisions in the mutual interests of the Government and members of the Force.

28. The Commander will co-operate with Cypriot customs and fiscal authorities in ensuring the observance of the customs and fiscal laws and regulations of Cyprus by the members of the Force in accordance with these or any relevant supplemental arrangements.

COMMUNICATIONS AND POSTAL SERVICES

29. The Force enjoys the facilities in respect to communications provided in article III of the Convention on the Privileges and Immunities of the United Nations. The Commander shall have authority to install and operate a radio sending and receiving station or stations to connect at appropriate points and exchange traffic with the United Nations radio network, subject to the provisions of article 47 of the International Telecommunications Convention relating to harmful interference. The frequencies on which any such station may be operated will be duly communicated by the United Nations to the Government and to the International Frequency Registration Board. The right of the Commander is likewise recognized to enjoy the priorities of government telegrams and telephone calls as provided for the United Nations in article 39 and annex 3 of the latter Convention and in article 62 of the telegraph regulations annexed thereto.

30. The Force shall also enjoy, within its area of operations, the right of unrestricted communication by radio, telephone, telegraph or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of the Force, including the laying of cables and land lines and the establishment of fixed and mobile radio sending and receiving stations. It is understood that the telegraph and telephone cables and lines herein referred to will be situated within or directly between the premises of the Force and the area of operations, and that connexion with the Cypriot system of telegraphs and telephones will be made in accordance with arrangements with the appropriate Cypriot authorities.

31. The Government recognizes the right of the Force to make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of the Force. The Government will be informed of the nature of such arrangements. No interference shall take place with, and no censorship shall be applied to, the mail of the Force by the Government. In the event that postal arrangements applying to private mail of members of the Force are extended to operations involving transfer of currency, or transport of packages or parcels from Cyprus, the conditions under which such operations shall be conducted in Cyprus will be agreed upon between the Government and the Commander.

FREEDOM OF MOVEMENT

32. The Force and its members together with its service vehicles, vessels, aircraft and equipment shall enjoy freedom of movement throughout Cyprus. Wherever possible the Commander will consult with the Government with respect to large movements of personnel, stores or vehicles on roads used for general traffic. The Government will supply the Force with maps and other information, including locations of dangers and impediments, which may be useful in facilitating its movements.

USE OF ROADS, WATERWAYS, PORT FACILITIES, AND AIRFIELDS

33. The Force shall have the right to the use of roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges either by way of registration or otherwise, throughout Cyprus.

WATER, ELECTRICITY AND OTHER PUBLIC UTILITIES

34. The Force shall have the right to the use of water, electricity and other public utilities at rates not less favourable to the Force than those to comparable consumers. The Government will, upon the request of the Commander, assist the Force in obtaining water, electricity and other utilities required, and in the case of interruption or threatened interruption of service, will give the same priority to the needs of the Force as to essential Government services. The Force shall have the right where necessary to generate, within the premises of the Force either on land or water, electricity for the use of the Force, and to transmit and distribute such electricity as required by the Force.

CYPRIOT CURRENCY

35. The Government will, if requested by the Commander, make available to the Force, against reimbursement in such other mutually acceptable currency, Cypriot currency required for the use of the Force, including the pay of the members of the national contingents, at the rate of exchange most favourable to the Force that is officially recognized by the Government.

PROVISIONS, SUPPLIES AND SERVICES

36. The Government will, upon the request of the Commander, assist the Force in obtaining equipment, provisions, supplies and other goods and services required from local sources for its subsistence and operation. Sympathetic consideration will be given by the Commander in purchases on the local market to requests or observations of the Government in order to avoid any adverse effect on the local economy. Members of the Force and United Nations officials may purchase locally goods necessary for their own consumption, and such services as they need, under conditions not less favourable than for Cypriot citizens. If members of the Force and United Nations officials should require medical or dental facilities beyond those available within the Force, arrangements shall be made with the Government under which such facilities may be made available. The Commander and the Government will co-operate with respect to sanitary services. The Commander and the Government shall extend to each other the fullest co-operation in matters concerning health, particularly with respect to the control of communicable diseases in accordance with international conventions; such co-operation shall extend to the exchange of relevant information and statistics.

LOCALLY RECRUITED PERSONNEL

37. The Force may recruit locally such personnel as required. The terms and conditions of employment for locally recruited personnel shall be prescribed by the Commander and shall generally, to the extent practicable, follow the practice prevailing in the locality.

SETTLEMENT OF DISPUTES OR CLAIMS

38. Disputes or claims of a private law character shall be settled in accordance with the following provisions:

(a) The United Nations shall make provisions for the appropriate modes of settlement of disputes or claims arising out of contract or other disputes or claims of a private law character to which the United Nations is a party other than those covered in sub-paragraphs (b) and (c) following.

(b) Any claim made by

(i) a Cypriot citizen in respect of any damages alleged to result from an act or omission of a member of the Force relating to his official duties;

(ii) the Government against a member of the Force; or

(iii) the Force or the Government against one another, that is not covered by paragraphs 39 or 40 of these arrangements,

shall be settled by a Claims Commission established for that purpose. One member of the Commission shall be appointed by the Secretary-General, one member by the Government and a chairman jointly by the Secretary-General and the Government. If the Secretary-General and the Government fail to agree on the appointment of a chairman, the President of the International Court of Justice shall be asked by either to make the appointment. An award made by the Claims Commission against the Force or a member thereof or against the Government shall be notified to the Commander or the Government, as the case may be, to make satisfaction thereof.¹

(c) Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by administrative procedure to be established by the Commander.

39. All differences between the United Nations and the Government arising out of the interpretation or application of these arrangements which involve a question of principle concerning the Convention on the Privileges and Immunities of the United Nations shall be dealt with in accordance with the procedure of section 30 of the Convention.

40. All other disputes between the United Nations and the Government concerning the interpretation or application of these arrangements which are not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one by the Government and an umpire to be chosen jointly by the Secretary-General and the Government. If the two parties fail to agree on the appointment of the umpire within one month of the proposal of arbitration by one of the parties, the President of the International Court of Justice shall be asked by either party to appoint the umpire. Should a vacancy occur for any reason, the vacancy shall be filled within thirty days by the method laid down in this paragraph for the original appointment. The Tribunal shall come into existence upon the appointment of the umpire and at least one of the other members of the tribunal. Two members of the tribunal shall constitute a quorum for the performance of its functions, and for all deliberations and decisions of the tribunal a favourable vote of two members shall be sufficient.

¹ In this respect attention must be drawn to operative paragraph 6 of the Security Council resolution of 4 March 1964 (S/5575) whereby the Council, *inter alia*, recommends that all costs pertaining to the Force be:

"met, in a manner to be agreed upon by them, by the Governments providing contingents and by the Government of Cyprus. The Secretary-General may also accept voluntary contributions for this purpose".

It is understood that the obligations of the Commander to make satisfaction as provided for in paragraph 38 (b) of the present arrangements are necessarily limited under the aforementioned paragraph of the Security Council resolution to the extent (a) that funds are available to him for this purpose and/or (b) alternative arrangements are arrived at with the Participating Governments and the Government of Cyprus.

LIAISON

41. The Commander and the Government shall take appropriate measures to ensure close and reciprocal liaison in the implementation of the present agreement. Furthermore, arrangements will be made, *inter alia*, for liaison on a State and local level between the Force and the Government security forces to the extent the Commander deems this to be necessary and desirable for the performance of the functions of the Force in accordance with the Security Council resolution of 4 March 1964 (S/5575). In case of requests by the Government security forces for the assistance of the Force, the Commander, in view of the international status and function of the Force, will decide whether, within the framework of the aforesaid resolution, he may meet such requests. The Commander of the Force may make requests for assistance from the Government security forces, at the State or local level, as he may deem necessary in pursuance of the aforesaid resolution, and they will, as far as possible, meet such requests in a spirit of co-operation.

DECEASED MEMBERS: DISPOSITION OF PERSONAL PROPERTY

42. The Commander shall have the right to take charge of and dispose of the body of a member of the Force who dies in Cyprus and may dispose of his personal property after the debts of the deceased person incurred in Cyprus and owing to Cypriot citizens have been settled.

SUPPLEMENTAL ARRANGEMENTS

43. Supplemental details for the carrying out of these arrangements shall be made as required between the Commander and appropriate Cypriot authorities designated by the Government.

CONTACTS IN THE PERFORMANCE OF THE FUNCTION OF THE FORCE

44. It is understood that the Commander and members of the Force authorized by him may have such contacts as they deem necessary in order to secure the proper performance of the function of the Force, under the Security Council resolution of 4 March 1964 (S/5575).

EFFECTIVE DATE AND DURATION

45. Upon acceptance of this proposal by your Government, the present letter and your reply will be considered as constituting an agreement between the United Nations and Cyprus that shall be deemed to have taken effect as from the date of the arrival of the first element of the Force in Cyprus, and shall remain in force until the departure of the Force from Cyprus. The effective date that the departure has occurred shall be defined by the Secretary-General and the Government. The provisions of paragraphs 38, 39 and 40 of these arrangements, relating to the settlement of disputes, however, shall remain in force until all claims arising prior to the date of termination of these arrangements, and submitted prior to or within three months following the date of termination, have been settled.

In conclusion I wish to affirm that the activities of the Force will be guided in good faith by the task established for the Force by the Security Council. Within this context the Force, as established by the Secretary-General and acting on the basis of his directives under the exclusive operational direction of the Commander, will use its best endeavours, in the interest of preserving international peace and security, to prevent a recurrence of

fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions.

Accept, Sir, the assurances of my highest consideration.

U THANT
Secretary-General

His Excellency
Mr. Spyros A. Kyprianou
Minister for Foreign Affairs
c/o Permanent Mission of Cyprus to the United Nations
165 East 72nd Street
New York 21, N. Y.

II

Permanent Mission of the Republic of Cyprus
to the United Nations
165 East 72nd Street
New York 21, N. Y.

31 March 1964

Sir,

I have the honour to refer to your letter of 31 March 1964, in which you have proposed that the Republic of Cyprus and the United Nations should make the *ad hoc* arrangements contained therein which define certain of the conditions necessary for the effective discharge of the functions of the United Nations Force in Cyprus while it remains in Cyprus. Recalling that by letter of 4 March 1964, I informed you of the agreement of the Government of the Republic of Cyprus to the establishment of the Force, I now have the pleasure to inform you in the name of the Government of the Republic of Cyprus of its full agreement on, and its acceptance of, the terms of your letter.

The Government of the Republic of Cyprus agrees, furthermore, that subject to ratification by the Republic of Cyprus, your letter and this reply will be considered as constituting an agreement between Cyprus and the United Nations concerning the status of the United Nations Force in Cyprus. Pending such ratification the Government of the Republic of Cyprus undertakes to give provisional application to the arrangements contained in your letter and to use its best efforts to secure the earliest possible ratification of the agreement.

In conclusion, I wish to affirm that the Government of the Republic of Cyprus, recalling the Security Council resolution of 4 March 1964 (S/5575), and, in particular, paragraphs 2 and 5 thereof, will be guided in good faith, when exercising its sovereign rights on any matter concerning the presence and functioning of the Force, by its acceptance of the recommendation of the Security Council that a peace-keeping Force be established in Cyprus.

Accept, Sir, the assurances of my highest consideration.

Spyros A. KYPRIANOU
Minister for Foreign Affairs

His Excellency
U Thant
Secretary-General
United Nations
New York, N. Y.

**AGREEMENT ON THE LEGAL STATUS OF THE SOVIET
FORCES TEMPORARILY PRESENT ON THE TERRITORY
OF THE HUNGARIAN PEOPLE'S REPUBLIC**

Signed at Budapest, May 27, 1957.

The Government of the U.S.S.R. and the Government of the Hungarian People's Republic,

Imbued with the desire to spare no effort to preserve and strengthen peace and security in Europe and throughout the world,

Considering the fact that in the contemporary international situation in which the aggressive North Atlantic Bloc exists, and West Germany is being re-militarized and the forces of revenge [for the lost war] are being reactivated in her, when the U.S.A. and other members of the North Atlantic Bloc maintain their numerous armies and military bases in proximity to the socialist countries, there exists a danger for the security of those countries,

Considering that under these conditions the temporary presence of the Soviet forces on the territory of the Hungarian People's Republic would serve the purpose of guaranteeing a joint defense against possible aggression and is in accordance with international agreements, and

Desiring to settle questions connected with the temporary presence of Soviet forces on the territory of the Hungarian People's Republic,

Have decided, in accordance with the Declaration of the Governments of the U.S.S.R. and of the Hungarian People's Republic of March 28, 1957, to conclude the present agreement and have appointed as their plenipotentiaries:

The Government of the U.S.S.R.,

A. A. GROMYKO, Minister of Foreign affairs of the U.S.S.R.,

G. K. ZHUKOV, Minister of Defense of the U.S.S.R.,

The Government of the Hungarian People's Republic,

Imre HORVATH, Minister of Foreign Affairs of the Hungarian People's Republic,

Geza REVES, Minister of Defense of the Hungarian People's Republic,

Who, having exchanged their full powers found in good and due form, have agreed as follows:

ARTICLE 1

The temporary presence of the Soviet forces on the territory of the Hungarian People's Republic shall in no way affect the sovereignty of the Hungarian State. Soviet forces shall not interfere in the internal affairs of the Hungarian People's Republic.

ARTICLE 2

1. The strength of the Soviet forces, temporarily present on the territory of the Hungarian People's Republic, and their places of stationing shall be determined on the basis of a special agreement between the Government of the U.S.S.R. and the Government of the Hungarian People's Republic.

2. The movements of the Soviet forces on the territory of the Hungarian People's Republic outside their places of stationing shall require in each case the agreement of the Government of the Hungarian People's Republic or of the agencies authorized by it.

3. The training and maneuvers of the Soviet forces on the territory of the Hungarian People's Republic outside their places of stationing shall take place either on the basis of plans agreed upon with the agencies of the Hungarian Government, or in each case on the basis of an agreement with the Government of the Hungarian People's Republic or with agencies authorized by it.

ARTICLE 3

Soviet forces present on the territory of the Hungarian People's Republic, members thereof and members of their families must respect and observe the rules of Hungarian legislation.

ARTICLE 4

1. Soldiers of the Soviet forces, present on the territory of the Hungarian People's Republic shall wear their uniforms and carry and bear arms in accordance with Soviet Army regulations.

2. Means of transportation of the Soviet military units shall be provided with a distinct registration number, as established by the command of the Soviet forces, the pattern of which shall be made known to the competent Hungarian authorities.

3. Competent Hungarian agencies shall recognize as valid, without test or fee, drivers' permits issued to members of the Soviet forces present on the territory of the Hungarian People's Republic by competent Soviet authorities.

ARTICLE 5

Problems of administration of justice arising from the presence of Soviet forces on the territory of the Hungarian People's Republic shall be determined as follows:

1. As a general rule, in cases of crimes and misdemeanors committed by members of the Soviet forces, or members of their families on the territory of the Hungarian People's Republic, Hungarian law shall apply and Hungarian courts, public prosecution agencies and other Hungarian agencies charged with prosecuting crimes and misdemeanors shall have jurisdiction.

Cases of crimes committed by Soviet soldiers shall be investigated by the military prosecution and examined by agencies of the military administration of justice of the Hungarian People's Republic.

2. Provisions of the first section of the present article shall not apply to:

(a) cases of crimes and misdemeanors committed by members of the Soviet forces, or members of their families exclusively against the Soviet Union, members of the Soviet forces, or members of their families;

(b) cases of crimes and misdemeanors by members of the Soviet forces while discharging their official duties.

In cases enumerated in points (a) and (b) Soviet law shall apply and Soviet courts and public prosecution and other Soviet agencies charged with the prosecution of crimes and misdemeanors shall have jurisdiction.

3. Competent Soviet and Hungarian agencies may request each other to transfer or accept jurisdiction over individual cases provided for in the present article. Such requests shall be given favorable consideration.

ARTICLE 6

In case of offenses committed against Soviet forces present on the territory of the Hungarian People's Republic and their servicemen, guilty persons shall bear, before the courts of the Hungarian People's Republic, the same responsibility as that for offenses committed against the Hungarian armed forces or their servicemen.

ARTICLE 7

1. Competent Soviet and Hungarian authorities shall render each other assistance of all kinds, including letters rogatory, in the prosecution of crimes and misdemeanors listed in Articles 5 and 6 of the present agreement.

2. A separate agreement between the Contracting Parties shall determine the principles of, and the procedure for, rendering this assistance, which is dealt with in paragraph 1 of the present article, as well as the assistance to be rendered in the conduct of civil cases resulting from the presence of Soviet forces on the territory of the Hungarian People's Republic.

ARTICLE 8

On the request of competent Hungarian authorities a member of the Soviet forces guilty of violating the Hungarian legal order shall be recalled from the territory of the Hungarian People's Republic.

ARTICLE 9

1. The Government of the U.S.S.R. agrees to indemnify the Government of the Hungarian People's Republic for material damage which may be caused to the Hungarian State by the actions or neglect of Soviet military units or individual members thereof, as well as damage which may be

caused by Soviet military units or their members while discharging their duties to Hungarian institutions and citizens or to citizens of third states present on the territory of the Hungarian People's Republic—in both cases to the extent fixed by the Mixed Commission set up according to Article 17 of the present Agreement on the basis of claims submitted, taking into consideration the provisions of Hungarian legislation.

Disputes which may arise from the obligations of the Soviet military units are also subject to examination by the Mixed Commission in accordance with the same principles.

2. The Government of the U.S.S.R. also agrees to indemnify the Government of the Hungarian People's Republic for damage to Hungarian institutions and citizens, or citizens of third states present on the territory of the Hungarian People's Republic, resulting from the actions or neglect of the members of the Soviet forces at a time when they were not discharging their official duties, as well as that resulting from the actions or neglect of the members of families of the members of the Soviet forces—in each case to the extent established by competent Hungarian courts on the basis of claims made against persons responsible for the damage.

ARTICLE 10

1. The Government of the Hungarian People's Republic agrees to indemnify the Government of the U.S.S.R. for damage to the property of Soviet military units present on the territory of the Hungarian People's Republic or their members caused by actions or omissions of Hungarian state institutions—to the extent established by the Mixed Commission set up according to Article 17 of the present Agreement on the basis of claims submitted, taking into consideration the provisions of Hungarian legislation.

Disputes which may arise from the obligations of Hungarian state institutions to Soviet military units shall also come under the jurisdiction of the Mixed Commission according to the same principles.

2. The Government of the Hungarian People's Republic also agrees to indemnify the Government of the U.S.S.R. for damage which may be caused to Soviet military units present on the territory of the Hungarian People's Republic, their members or members of their families, by the commissions or omissions of Hungarian citizens—to the extent fixed by a Hungarian court on the basis of claims made against the persons who caused the damage.

ARTICLE 11

1. The indemnification provided for in Articles 9 and 10 shall be disbursed by the Soviet Party and the Hungarian Party respectively within three months from the date of decision of the Mixed Commission or the date of final decision of the court.

Payment of sums due to injured persons or institutions shall be made by competent Hungarian agencies in cases provided for in Article 9 of the present Agreement, and by the competent Soviet agencies in cases provided for in Article 10 of the present Agreement.

2. Claims for damages under Articles 9 and 10 which have been made since the Peace Treaty with Hungary went into force but which were not settled before the present Agreement went into force shall be examined by the Mixed Commission.

ARTICLE 12

In places of stationing of Soviet troops the construction of buildings, roads, bridges, permanent radio installations, including the determination of their frequencies and capacity, must be agreed upon by the competent Hungarian authorities. Such consent is also required for setting up permanent service points for the members of the Soviet forces outside their places of stationing.

ARTICLE 13

The manner and procedure for the utilization by Soviet forces of the barracks and service quarters, storehouses, airfields, training grounds, means of transport and communication, electric power, public utilities and commercial services, occasioned by their temporary presence in the Hungarian People's Republic, shall be determined in separate agreements between competent agencies of the Contracting Parties; it is obligatory that agreements covering these problems in force at present be re-examined in order to bring them up to date.

ARTICLE 14

In case of the vacating by the Soviet forces of the objects and facilities listed in Article 13, such objects and facilities shall be returned to the Hungarian authorities.

Questions connected with the transfer by Hungarian authorities of objects vacated by the Soviet forces on the territory of the Hungarian People's Republic, including objects constructed by the Soviet forces, shall be determined by separate agreements.

ARTICLE 15

For the proper settlement of current problems arising from the presence of Soviet forces in Hungary, the Government of the U.S.S.R. and the Government of the Hungarian People's Republic shall appoint plenipotentiaries for matters connected with the presence of the Soviet forces in Hungary.

ARTICLE 16

In interpretation of the present Agreement:

"a member of the Soviet forces" is

- (a) a serviceman of the Soviet Army;
- (b) a civilian who is a Soviet citizen employed by a military unit of the Soviet forces in the Hungarian People's Republic.

"A place of stationing" is the territory placed at the disposal of the Soviet forces, including the quarters of the military units with training grounds, firing ranges and grounds and other objects used by these units.

ARTICLE 17

To settle problems pertaining to the interpretation or application of the present Agreement and supplementary agreements envisaged by it a Soviet-Hungarian Mixed Commission shall be set up, and to it each Contracting Party shall delegate three representatives.

The Mixed Commission shall act on the basis of the rules it shall adopt.

The Mixed Commission shall have its headquarters in Budapest.

In case the Mixed Commission is unable to settle a question submitted to it, that question shall be settled through diplomatic channels as soon as possible.

ARTICLE 18

The present Agreement is subject to ratification and shall go into force on the day of the exchange of the ratification documents which shall take place in Moscow.

ARTICLE 19

The present Agreement shall remain in force for the duration of the presence of Soviet forces on the territory of the Hungarian People's Republic and may be changed with the agreement of the Contracting Parties.

Done in Budapest on the 27th of May, 1957, in two copies, each in Russian and Hungarian, both texts being equally authentic.

MUTUAL DEFENSE ASSISTANCE IN INDOCHINA

Agreement signed at Saigon December 23, 1950; entered into force
December 23, 1950*

The Government of the United States of America, and the Governments of Cambodia, France, Laos and Vietnam:

--Recognizing the common interest of the free peoples of the world in the maintenance of the independence, peace, and security of nations devoted to the principles of freedom;

--Considering that the Governments of Cambodia, France, Laos and Vietnam are engaged in a cooperative effort toward these goals as members of the French Union;

--Considering that, in furtherance of those common principles, the Government of the United States of America has enacted Public Law 329, 81st Congress, which permits the United States of America to furnish military assistance to certain other nations dedicated to those principles:

--Desiring to set forth the understandings which shall govern the furnishings of military assistance by the United States of America under Public Law 329, 81st Congress, to the forces of the Associated States and the French Union in Indochina,

Have agreed as follows:

ARTICLE I

Any assistance furnished under this agreement will be governed by the following basic considerations:

1. All equipment, material and services, made available by the United States of America under the terms of this agreement to the States signatory to it, in accordance with their needs, will be furnished under such provisions, and subject to such terms, conditions and termination provisions of Public Law 329, 81st Congress, as amended, as affect the furnishing of such assistance, and such other applicable United States of America law as may hereafter come into effect.

* 3 U.S.T. & O.I.A. 2756; T.I.A.S. No. 2447.

2. In accordance with the principles of mutual aid, each Government receiving equipment, material, or services from the Government of the United States of America under this agreement agrees to facilitate the production, transport, within its means, and the transfer to the Government of the United States of America for such period of time, in such quantities and upon such terms and conditions of purchase as may be agreed upon, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in their territories.

The conditions governing such transfers will be object of particular agreements and will take into account the needs of these states and the normal requirements of the French Union with respect to internal consumption and commercial export of such materials.

ARTICLE II

The signatory powers, recognizing that the effectiveness of military assistance will be enhanced if maximum use is made of existing facilities,

Have resolved that:

1. The Governments of Cambodia, France, Laos and Vietnam shall cooperate to assure the efficient reception, distribution and maintenance of such equipment and materials as are furnished by the United States of America for use in Indochina.

2. Each Government receiving aid from the United States of America shall, unless otherwise agreed to by the Government of the United States of America, retain title to all such equipment, material or services so transferred.

3. Each Government receiving aid from the United States of America shall also retain full possession and control of the equipment, material or services to which they have such title, taking into account the accords and agreements which now exist between Cambodia, France, Laos and Vietnam.

4. With respect to aid received from the United States of America, each State shall designate a member or representative of the High Military Committee and authorize such person to receive from the Gov-

ernment of the United States of America the title to the materials received. Each State shall, as the need exists, provide for such extensions of that authority as may be necessary to insure the most efficient reception, distribution and maintenance of such equipment and materials as are furnished by the United States of America.

5. For aid received from the United States of America destined exclusively for forces of the French Union in Indochina, the Commander in Chief of the French Forces in the Far East or his delegate shall be the person authorized to accept title.

ARTICLE III

Taking into consideration the military conventions concluded between France and the Governments of Cambodia, Laos, and Vietnam, each Government receiving grants of equipment, material or services from the Government of the United States of America pursuant to this agreement,

Undertakes:

1. To use effectively such assistance only within the framework of the mutual defense of Indochina.
2. To take appropriate measures consistent with security to keep the public informed of operations under this agreement.
3. To take security measures which will be agreed upon with the United States of America in each case to prevent the disclosure or compromise of classified articles, services, or information received under this agreement.
4. To take appropriate action to prevent the illegal transportation into, out of, and within the area of Indochina, including the territorial waters thereof, of any equipment or materials substitutable for, or of similar category to, those being supplied by the United States of America under this agreement.
5. To provide local currency for such administrative and operating expenses of the Government of the United States of America as may arise in Indochina in connection with this agreement, taking into account ability

to provide such currency. An Annex to this agreement will be agreed between the United States of America on one hand the States of Cambodia, France, Laos and Vietnam on the other, with a view to making arrangements for the provision of local currency within the limits of an overall sum to be fixed by common agreement.

6. To enter into any necessary arrangements of details with the Government of the United States of America with respect to the patents, the use of local facilities, and all other matters relating to operations in connection with furnishing and delivering of materials in accordance with this agreement.

7. To consult with the Government of the United States of America, from time to time, to establish means for the most practicable technical utilization of the assistance furnished pursuant to this agreement.

ARTICLE IV

To facilitate operations under this agreement, each Government agrees:

1. To grant, except when otherwise agreed, duty-free treatment and exemption from taxation upon importation, exportation, or movement within Indochina, of products, material or equipment furnished by the United States in connection with this agreement.

2. To receive within its territory such personnel of the United States of America as may be required for the purposes of this agreement and to extend to such personnel facilities freely and fully to carry out their assigned responsibilities, including observation of the progress and the technical use made of the assistance granted. Such personnel will in their relations to the Government of the country to which they are assigned, operate as part of the diplomatic mission under the direction and control of the Chief of such mission of the Government which they are serving.

ARTICLE V

1. This agreement shall enter into force upon signature. Any party may withdraw from this agreement by giving written notice to all other parties three months in advance.

2. The Annexes to this agreement form an integral part thereof.

3. This agreement shall be registered with the Secretary General of the United Nations in compliance with the provisions of Article 102 of the Charter of the United Nations.

In witness thereof the respective representatives, duly authorized for this purpose, have signed the present agreement.

Done in quintuplicate in the English, Cambodian, French and Vietnamese languages at Saigon on this 23 day of December, 1950.

All texts will be authentic, but in case of divergence, the English and French shall prevail.

Donald R Heath

Huu

Vorabong

V. Sai

G. de Lattre

(Seal)

ANNEX A

In implementation of paragraph 5 of Article III of the agreement for Mutual Defense Assistance in Indochina, the Governments of Cambodia, France, Laos and Vietnam will deposit piasters at such times as requested in accounts designated by the diplomatic missions of the United States at Phnom Penh, Vientiane, and Saigon, not to exceed in total 6,142,230\$ piasters for the use of these missions on behalf of the Government of the United States of America for administrative expenses in the States of Cambodia, Laos and Vietnam in connection with carrying out that agreement for the period ending June 30, 1951.

The piasters will be furnished by each of the Governments of Cambodia, France, Laos and Vietnam in accordance with percentages agreed upon among the four Governments, taking into consideration the amount of military aid received by each Government. This Annex will be renewed with appropriate modifications for the fiscal year ending June 30, 1952 and similarly thereafter before the end of each current fiscal year, for the duration of the agreement.

ANNEX B

In recognition of the fact that personnel who are nationals of one country, including personnel temporarily assigned, will in their relations with the Government of the country to which they are assigned, operate as part of the Diplomatic Mission of the Government of their country under the direction and control of the Chief of that Mission, it is understood, in connection with Article IV, paragraph 2, of the Mutual Defense Assistance Agreement, that the status of such personnel, considered as part of the Diplomatic Mission of such other Government, will be the same as the status of personnel of corresponding rank of that Diplomatic Mission who are nationals of that country.

The personnel will be divided into 3 categories:

(a) Upon appropriate notification of the other, full diplomatic status will be granted to the senior military member and the senior Army, Navy and Air Force officer assigned thereto, and to their respective immediate deputies.

(b) The second category of personnel will enjoy privileges and immunities conferred by international custom, as recognized by each Government, to certain categories of personnel of the Diplomatic Mission of the other, such as the immunity from civil and criminal jurisdiction of the host country, immunity of official papers from search and seizure, right of free egress, exemption from customs duties or similar taxes or restrictions in respect of personally owned property imported into the host country by such personnel for their personal use and consumption, without prejudice to the existing regulations on foreign exchange, exemption from internal taxation by the host country upon salaries of such personnel. Privileges and courtesies incident to diplomatic status such as diplomatic automobile license plates, inclusion on the "Diplomatic List", and social courtesies may be waived by both Governments for this category of personnel.

(c) The third category of personnel will receive the same status as the clerical personnel of the Diplomatic Mission.

It is understood among the five Governments that the number of personnel in the three categories above will be kept as low as possible.

ANNEX C

All the countries which are signatory to the agreement for Mutual Defense Assistance in Indochina agree that the benefits of any modifications or ameliorations of this agreement in favor of any one of the contracting parties will be extended to all the countries party to the agreement.

JAG School Note:

In connection with the "third category of personnel" (para. (c), Annex B), it is our understanding that clerical personnel of the Diplomatic Mission to Vietnam enjoy immunity from the civil and criminal jurisdiction of the local authorities.

**BILATERAL MILITARY ASSISTANCE AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED
STATES OF AMERICA AND
THE GOVERNMENT OF
GUATEMALA**

* The Government of the United States of America and the Government of the Republic of Guatemala:

TIAS 1838.
62 Stat., pt. 2, p.
1681.

Conscious of their pledges under the Inter-American Treaty of Reciprocal Assistance and other international instruments to assist any American State subjected to an armed attack and to act together for the common defense and for the maintenance of the peace and security of the Western Hemisphere;

TS 993.
59 Stat. 1031.

Desiring to foster international peace and security within the framework of the Charter of the United Nations through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles;

Reaffirming their determination to give their full cooperation to the efforts to provide the United Nations with armed forces as contemplated by the Charter and to obtain agreement on universal regulation and reduction of armaments under adequate guarantee against violation;

Taking into consideration the support that the Government of the United States of America has brought to these principles by enacting legislation which provides for the furnishing of military assistance to nations which have joined with it in collective security arrangements;

Desiring to set forth the conditions which will govern the furnishing of such assistance by one Government to the other;

Have agreed as follows:

ARTICLE I

1. Each Government will make or continue to make available to the other, and to such additional governments as the parties hereto may in each case agree upon, such equipment, materials, services, or other military assistance as the Government furnishing such assistance may authorize and in accordance with such terms and conditions as may be agreed. The furnishing and use of any such assistance as may be authorized by either party hereto shall be consistent with

the Charter of the United Nations under which each nation is obliged not to undertake any act of aggression against any other nation. Such assistance shall be so designed as to promote the defense of the Western Hemisphere and be in accordance with defense plans under which both Governments will participate in missions important to the defense of the Western Hemisphere. Assistance made available by the Government of the United States of America pursuant to this Agreement will be furnished under the provisions, and subject to all the terms, conditions and termination provisions of applicable United States legislation. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of the Republic of Guatemala undertakes to make effective use of assistance received from the Government of the United States of America pursuant to this Agreement for the purpose of implementing defense plans, accepted by the two Governments, under which the two Governments will participate in missions important to the defense of the Western Hemisphere, and will not, without the prior agreement of the Gov-

ernment of the United States of America, devote such assistance to purposes other than those for which it was furnished.

3. Arrangements will be entered into under which equipment and materials furnished pursuant to this Agreement and no longer required for the purposes for which it was originally made available (except equipment and materials furnished under terms requiring reimbursement) will be returned to the Government which furnished such assistance for appropriate disposition.

4. In the common security interest each Government undertakes not to transfer to any person not an officer or employee or agent of such Government, or to any other Government, title to or possession of any equipment, materials, or services furnished under this Agreement without the prior agreement of the other Government. The transfer of equipment or materials on a reimbursable basis shall be in accordance with terms and conditions relating to such transfers which may be agreed to by the two Governments.

5. The two Governments will establish procedures whereby the Government of the Republic of Guatemala will so deposit, segregate, or assure title to all funds allocated to or derived

from any program of assistance undertaken by the Government of the United States of America so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when in the opinion of the Government of the United States of America any such legal process would interfere with the attainment of the objectives of the said program of assistance.

6. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished by the other Government pursuant to this Agreement.

ARTICLE II

Each Government will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.

ARTICLE III

The two Governments will, upon request of either of them, negotiate appropriate arrangements relating to the exchange of patent rights and technical information for defense in order to expedite such exchanges and

at the same time protect private interests and maintain security safeguards.

ARTICLE IV

1. The Government of the Republic of Guatemala will from time to time make available to the Government of the United States of America quetzales in amounts to be agreed for the use of the latter Government for its administrative and operating expenditures in connection with carrying out the purposes of the Mutual Security Act of 1954.

The two Governments will forthwith initiate discussions with a view to determining the amount of such quetzales and to agreeing upon arrangements for the furnishing of such quetzales.

2. The Government of the Republic of Guatemala will, except as may otherwise be agreed, grant duty-free treatment and exemption from internal taxation upon importation or exportation to products, property, materials, or equipment imported into its territory in connection with this Agreement or any similar agreement between The United States of America and any other country receiving military assistance.

3. The operations and expenditures effected in Guatemala by or on behalf of the Government of the United States for the common defense effort including those carried

out as a consequence of any other foreign aid program will be relieved from all taxation. To this end the Government of the Republic of Guatemala will prescribe pertinent procedures satisfactory to both Governments.

ARTICLE V

1. Each Government will receive personnel of the other Government who will discharge responsibilities of the other Government in connection with the implementation of this Agreement. Such personnel will be accorded facilities for continuous observation and review of programs of assistance under this Agreement, including the utilization of any such assistance. Such personnel who are national of that other country, including personnel temporarily assigned, will, in their relations with the Government of the country to which they are assigned, operate as a part of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government of the sending country, and shall be accorded all privileges and immunities conferred by international custom to Embassy personnel of corresponding rank. Privileges and courtesies incident to diplomatic status, such as diplomatic automobile license plates, inclusion

on the "diplomatic list", and social courtesies may be waived by the sending Government for its personnel other than the senior military member and the senior Army, Navy and Air Force officer and their respective immediate deputies.

2. The two Governments will negotiate arrangements for classification of personnel and for appropriate notification thereof to the host Government.

3. The Government of the Republic of Guatemala will grant, upon request of the Chief of the Diplomatic Mission of the Government of the United States, exemption from import and export duties on articles imported for the personal use of such personnel and of members of their families and will take adequate administrative measures to facilitate and expedite the importation and exportation of the personal property of such individuals and their families.

ARTICLE VI

Existing arrangements relating to Armed Forces missions of the United States of America established under other instruments are not affected by this Agreement and will remain in full force.

ARTICLE VII

In the interest of their mutual security, the two Governments will cooperate in measures designed to control trade with nations which threaten the security of the Western Hemisphere.

ARTICLE VIII

The two Governments reaffirm their determination to join in promoting international understanding and goodwill and maintaining world peace, to take such action as may be mutually agreed upon to eliminate causes of international tension, and to fulfill the military obligations assumed under multilateral or bilateral agreements and treaties to which both are parties. The Government of the Republic of Guatemala will, consistent with its political and economic stability, make the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world, and will take all reasonable measures which may be needed to develop its defense capacities.

ARTICLE IX

Whereas this Agreement has been negotiated and concluded

on the basis that the Government of the United States of America will extend to the other party thereto the benefits of any provision in a similar agreement concluded by the Government of the United States of America with any other American Republic, it is understood that the Government of the United States of America will interpose no objection to amending this Agreement in order that its provisions may conform, in whole or in part, to the corresponding provisions of any similar Military Assistance Agreement, or agreements amendatory thereto, concluded with an American Republic.

ARTICLE X

1. This Agreement shall enter into force on the date of signature, and shall continue in force until one year after the receipt by either party of written notice of the intention of the other party to terminate it, except that the provisions of Article I, paragraphs 2 and 4 and arrangements made pursuant to the provisions of Article I, paragraphs 3, 5 and 6 and of Article III shall remain in force unless otherwise agreed by the two Governments.

2. The two Governments shall, upon the request of either of them, consult regarding any

matter relating to the application or amendment of this Agreement.

3. This Agreement shall be registered with the Secretary General of the United Nations.

DONE at Guatemala City in duplicate in the Spanish and English languages, both equally authentic, on the eighteenth day of June 1955.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA
POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA.

THOMAS C. MANN

[SEAL]

Thomas C. Mann

Chargé d'Affairs a. i. of the United States of America

Encargado de Negocios a. i. de los Estados Unidos de América

FOR THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA
POR EL GOBIERNO DE LA REPUBLICA DE GUATEMALA

RICARDO QUIÑÓNEZ L

[SEAL]

Ricardo Quiñónez L.,

Secretary General of the Presidency and

Chargé of the Ministry for Foreign Affairs.

Secretario General de la Presidencia y

Encargado del Despacho de Relaciones Exteriores.

NICARAGUA MILITARY MISSION AGREEMENT (19 NOV. 1953)

In conformity with the request of the Government of the Republic of Nicaragua to the Government of the United States of America, the President of the United States of America has authorized the appointment of officers and noncommissioned officers to constitute a United States Army Mission, hereinafter referred to as Mission, to the Republic of Nicaragua under the conditions specified below:

TITLE I Purpose and Duration

Article 1. The purpose of this Mission is to cooperate with the Ministry of War, Navy and Aviation of the Republic of Nicaragua and officials of the Nicaraguan National Guard, and to enhance the efficiency of the Nicaraguan National Guard in matters of training, organization and administration. The members of the Mission are, in the exercise of their functions, obliged to use the Spanish language.

Article 3. This agreement may be terminated in the following manner:

(a) By either of the Governments, subject to three months' written notice to the other Government:

(b) By recall of the entire personnel of the Mission by the Government of the United States of America or at the request of the Government of the Republic of Nicaragua, in the public interest of either country, without necessity of compliance with provision (a) of this Article.

Article 4. This agreement is subject to cancellation upon the initiative of either the Government of the United States of America or the Government of the Republic of Nicaragua in case either country becomes involved in foreign or domestic hostilities.

TITLE III Duties, Rank and Precedence

Article 7. The personnel of the Mission shall perform such duties as may be agreed upon between the Minister of War, Navy and Aviation of the Republic of Nicaragua and the Chief of Mission, except they shall not have command functions.

Article 9. Each member of the Mission shall serve on the Mission in the rank he holds in the United States Army, and shall wear the uniform and insignia if the United States Army, but shall have precedence over all Nicaraguan officers of the same rank, except the Commander of the Nicaraguan National Guard.

Article 10. Each member of the Mission shall be entitled to all benefits and privileges which the laws and regulations of the Nicaraguan National Guard provide for Nicaraguan officers and noncommissioned officers of corresponding rank.

TITLE IV Privileges and Immunities

Article 11. Members of the Mission and their dependents, while stationed in Nicaragua, shall have the right to import, export, possess and use currency of the United States of America and to possess and use the currency of the Republic of Nicaragua.

Article 12. Mission members shall be immune from the civil jurisdiction of Nicaraguan courts for acts or omissions arising out of the performance of their official duties. Claims of residents of the Republic of Nicaragua arising out of acts or omissions of members of the Mission shall be submitted to the Chief of Mission for appropriate disposition. Settlements of such claims by the Government of the United States of America shall operate as a complete release to both the Government of the United States of America and the Mission member concerned from liability for damages arising out of such acts or omissions. Determination as to whether an act or omission arose out of the performance of official duties shall be made by the Chief of Mission.

Article 13. The personnel of the Mission and the members of their families shall be governed by the disciplinary regulations of the United States Army.

Article 14. Mission members, whether they be accredited or nonaccredited, or on temporary duty, shall not be subject to any tax or assessments now or hereafter in effect, of the Government of the Republic of Nicaragua or of any of its political or administrative subdivisions.

TITLE V Compensation and Perquisites

Article 15. The members of the Mission shall receive from the Government of the Republic of Nicaragua such net annual compensation, expressed in United States currency, as may be established by agreement between the Government of the United States of America and the Government of the Republic of Nicaragua for each member of the Mission.

**JURISDICTION OVER OFFENSES BY UNITED STATES FORCES
IN KOREA (12 JULY 1950)**

American Embassy, Taejon, Korea, July 12, 1950

The American Embassy presents its compliments to the Ministry of Foreign Affairs of the Republic of Korea and has the honor to state that in the absence of a formal agreement defining and setting forth the respective rights, duties and jurisdictional limitations of the military forces of the United States (excepting the United States Military Advisory Group to Korea, which is covered by the agreement signed in Seoul on January 26, 1950) and the Government of the Republic of Korea, it is proposed that exclusive jurisdiction over members of the United States Military Establishment in Korea will be exercised by courts-martial of the United States.

It is further proposed that arrests of Korean nationals will be made by United States forces only in the event Korean nationals are detected in the commission of offenses against the United States forces or its members. In the event that arrests of Korean nationals are made under the circumstances set forth above, such persons will be delivered to the civil authorities of the Republic of Korea as speedily as possible.

The Ministry of Foreign Affairs and the Government of the Republic of Korea will understand that in view of prevailing conditions, such as the infiltrations of north Koreans into the territory of the Republic, United States forces cannot be submitted, or instructed to submit, to the custody of any but United States forces. Unless required, owing to the nonexistence of local courts, courts of the United States forces will try nationals of the Republic of Korea.

The American Embassy would be grateful if the Ministry of Foreign Affairs would confirm, in behalf of the Government of the Republic of Korea, the above-stated requirements regarding the status of the military forces of the United States within Korea.

Republic of Korea, Ministry of Foreign Affairs, Taejon, July 12, 1950

The Ministry of Foreign Affairs of the Republic of Korea presents its compliments to the American Embassy and acknowledges the receipt of the Embassy's note of July 12, 1950, at Taejon.

The Ministry has the honor to inform the American Embassy that the Government of the Republic of Korea is glad to accept the propositions as set forth in the Embassy's note of July 12, 1950, that:

(1) The United States courts-martial may exercise exclusive jurisdiction over the members of the United States Military Establishment in Korea;

(2) In the event that arrests of Korean nationals by the United States forces are made necessary when the former are known to have committed offenses against the United States forces or its members, such person will be delivered to the civil authorities of the Republic of Korea as speedily as practicable; and

(3) The Ministry of Foreign Affairs understands that in view of prevailing conditions of warfare, the United States forces cannot be submitted to any but United States forces; and that courts of the United States forces will not try nationals of the Republic of Korea, unless requested owing to the nonexistence of local courts.

STATUS OF UNITED STATES FORCES IN LEBANON (6 AUG. 1958)

The military authorities of the United States shall have the sole right to exercise all criminal and disciplinary jurisdiction over all persons subject to its military law. The United States undertakes to maintain discipline over all such persons and to insure full respect by them for the laws of Lebanon.

No civil action shall be brought in Lebanese courts against any person subject to the military laws of the United States, and claims arising out of the acts of any such persons will be referred to a foreign claims commission of the United States for appropriate disposition.

The forces of the United States, including its members and instrumentalities, shall be exempt from any form of taxation in Lebanon including but not limited to taxation on property, death, inheritance, estate, gift and income. Property of military forces of the United States shall be allowed to enter Lebanon without duty or inspection. Members of the forces of the United States shall be allowed to import without duty various items for personal use. Mail and packages addressed to members of the military forces and transmitted through United States postal facilities shall be allowed free entry without inspection. Official mail and packages of the military forces of the United States shall be allowed free entry without inspection and without regard to method of transmission.

Military forces of the United States shall have the right to take such measures as they deem necessary to provide adequate security for their installations, movement of supplies and personnel in Lebanon. Outside these installations, military police of the forces of the United States, subject to such further arrangements as may be made with the Lebanese authorities, will be used, insofar as such employment is necessary, to maintain discipline and order among the members of the United States forces.

The military forces of the United States shall have the right to make administrative and logistical support movements as required. Large movements which might disrupt the freedom of movement of the civilian population will be coordinated with the appropriate Lebanese authorities. Official vehicles of the forces of the United States shall be distinctly marked and shall be exempt by the Lebanese Government from registration, licensing or any tax payable in respect to the use of vehicles on the roads.

**SELECTED PROVISIONS OF UNITED STATES STATUS OF FORCES
AGREEMENTS DEALING WITH INCLUSION OF INDIVIDUALS UN-
DER THE AGREEMENT**

**North Atlantic Treaty Organization Status of Forces Agreement,
19 June 1951, Article I, paras. a-c**

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;

Bilateral Agreement with Turkey, 23 June 1954, paras. 1-2

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.

**Bilateral Agreement with the Netherlands, 13 August 1954, Annex,
para. 1**

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.

**Supplementary Agreement for the Federal Republic of Germany to
the North Atlantic Treaty Organization Status of Forces Agreement,
3 August 1959, Article 2, para. 2(a)-(b), and Agreed Minutes and
Declarations Concerning NATO SOFA, re Article I, para. 1(a),
paras. 4-5**

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 subparagraph (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.

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.

Bilateral Agreement with the Federal Republic of Germany, 3 August 1959, Article 2, paras. 1 and 3, and Article 3

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.

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.

**Bilateral Status of Forces Agreement with Japan, 19 January 1960,
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.

**Bilateral Status of Forces Agreement with Australia, 9 May 1963,
Article I**

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.

**Bilateral Status of Forces Agreement with the Republic of China,
31 August 1965, 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. 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.

**Bilateral Status of Forces Agreement with the Republic of Korea,
9 July 1966, 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 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;[²]

(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;

(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.

SELECTED CRIMINAL JURISDICTION PROVISIONS OF UNITED STATES STATUS OF FORCES AGREEMENTS DEALING WITH "PERFORMANCE OF OFFICIAL DUTY"

**North Atlantic Treaty Organization Status of Forces Agreement,
19 June 1951, Article VII, para. 3(a) and (b)**

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.

**Supplementary Agreement for the Federal Republic of Germany to
the North Atlantic Treaty Organization Status of Forces Agreement,
3 August 1959, 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.

**Bilateral Status of Forces Agreement with Japan, 19 January 1960,
Agreed Minutes, Article XVII, re para 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.

Criminal Jurisdiction Arrangements Under the Military Bases Agreement with the Philippines, 19 August 1965, Agreed Minutes, re Revised Article XIII, paras 2 and 3

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.

**Bilateral Status of Forces Agreement with the Republic of China,
31 August 1965, Agreed Minutes to Article XIV, re para 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.

**SELECTED PROVISIONS OF UNITED STATES STATUS OF FORCES
AGREEMENTS DEALING WITH WAIVER OF PRIMARY RIGHT TO
EXERCISE CRIMINAL JURISDICTION**

**North Atlantic Treaty Organization Status of Forces Agreement,
19 June 1951, Article VII, para 3(c)**

(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.

**Bilateral Agreement with the Netherlands, 13 August 1954, Annex,
para 3**

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, 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.

**Supplementary Agreement for the Federal Republic of Germany to
the North Atlantic Treaty Organization Status of Forces Agreement,
3 August 1959, Article 19 and Agreed Minutes and Declaration re
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.

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.

**Bilateral Status of Forces Agreement with Japan, 19 January 1960,
Agreed Minutes, Article XVII, re para 3(c)**

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.