

No. 1053

**UNITED STATES OF AMERICA
and
KOREA**

**Mutual Defense Assistance Agreement. Signed at Seoul, on
26 January 1950**

Official text: English and Korean.

Registered by the United States of America on 13 February 1951.

**ÉTATS-UNIS D'AMÉRIQUE
et
CORÉE**

**Accord relatif à l'aide pour la défense mutuelle. Signé à Séoul,
le 26 janvier 1950**

Textes officiels anglais et coréen.

Enregistré par les Etats-Unis d'Amérique le 13 février 1951.

No. 1053. MUTUAL DEFENSE ASSISTANCE AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE UNITED
STATES OF AMERICA AND THE GOVERNMENT OF
THE REPUBLIC OF KOREA. SIGNED AT SEOUL, ON
26 JANUARY 1950

PREAMBLE

The Governments of the United States and of the Republic of Korea:

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 develop effective measures for self-defense in support of those purposes and principles; and without prejudice to continue exertion of maximum efforts to obtain agreements to provide the United Nations with armed forces as provided by its Charter, and to obtain agreement among member nations upon universal regulation and reduction of armaments under adequate and dependable guarantee against violation;

Recognizing that measures to eliminate insecurity caused by fear of aggression will enhance the progress of economic development;

Considering that, in furtherance of these principles, the Government of the United States has enacted the Mutual Defense Assistance Act of 1949² providing for the furnishing of military assistance by the United States of America to the Republic of Korea; and

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States under the Mutual Defense Assistance Act of 1949, and the receipt of such assistance by the Republic of Korea;

Have agreed as follows:

Article I

1. Each Government, consistently with the principle that economic recovery is essential to international peace and security and must be given clear priority, will make or continue to make available to the other, and to other Governments, such equipment, materials, services, or other military assistance as the Government furnishing such assistance may authorize and in accordance

¹ Came into force on 26 January 1950, as from the date of signature, in accordance with article VIII.

² United States of America: Public Law 329, 81st Congress; 63 Stat. 714.

with such terms and conditions as it may agree. The furnishing of any such assistance as may be authorized by either party hereto shall be consistent with the Charter of the United Nations. Such assistance as may be made available by the United States of America pursuant to this Agreement will be furnished under the provisions, and subject to all of the terms, conditions and termination provisions, of the Mutual Defense Assistance Act of 1949, and such other applicable United States laws as may hereafter come into effect. 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 Korea undertakes to make effective use of assistance received pursuant to paragraph 1 of this Article for the purposes for which such assistance was furnished, and that Government will not, without the prior consent of the Government of the United States, devote assistance so furnished to purposes other than those for which it was furnished.

3. The Government of the Republic of Korea undertakes not to transfer to any person not an officer or agent of such Government, or to any other nation, title to or possession of any equipment, materials, or services, pursuant to paragraph 1, without the prior consent of the Government of the United States.

Article II

In the event that Article VIII of the Economic Cooperation Agreement between the Government of the Republic of Korea and the Government of the United States, signed on December 10, 1948¹ at Seoul, Korea, shall cease to be in force prior to the termination of this Agreement, the Government of the Republic of Korea will, for so long as this Agreement remains in force, facilitate the production and transfer to the Government of the United States, for such period of time, in such quantities and upon such terms and conditions 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 Korea. Arrangements for such transfers shall give due regard to reasonable requirements for domestic use and commercial export of Korea.

Article III

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

2. Each Government will take such security measures as may be agreed

¹ United Nations, *Treaty Series*, Vol. 55, p. 157.

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 IV

The two Governments will, upon request of either of them, negotiate appropriate arrangements between them respecting responsibility for patent or similar claims based on the use of devices, processes, technological information or other forms of property protected by law in connection with equipment, materials or services furnished pursuant to this Agreement. In such negotiations, consideration shall be given to including an undertaking whereby each Government will assume the responsibility for all such claims of its nationals and such claims arising in its jurisdiction of nationals of any country not a party to this Agreement.

Article V

The Government of the Republic of Korea will, except as otherwise agreed to, grant duty-free treatment and exemption from internal taxation upon importation or exportation of products, property, materials or equipment imported into its territory in connection with this Agreement.

Article VI

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of the Republic of Korea will accord, to duly authorized United States representatives, facilities freely and fully to observe the utilization of assistance furnished pursuant to this Agreement.

Article VII

The two Governments recognize their mutual interest, consistent with mutual security and recovery objectives, in effective controls over the export of war-potential materials, equipment, and, in so far as practicable, technical data; and the two Governments will consult with a view to taking measures for the accomplishment of these ends.

Article VIII

1. This Agreement shall enter into force upon signature and will continue in force until three months after the receipt by either party of written notice

of the intention of the other party to terminate it. This Agreement shall be submitted to the Korean National Assembly for ratification.

2. 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.

DONE in duplicate, in the English and Korean languages, at Seoul, Korea, on this 26th day of January 1950. The English and Korean texts shall have equal force, but in case of divergence, the English text shall prevail.

IN WITNESS WHEREOF, the respective representatives, duly authorized for the purpose, have signed the present Agreement.

For the Government of the United States:

by John J. MUCCIO

For the Government of the Republic of Korea:

by S. M. SIHN

by D. Y. KIM
