

No. 2359

**UNITED STATES OF AMERICA
and
KOREA**

**Exchange of notes constituting an agreement relating to
mutual security. Pusan, 4 and 7 January 1952**

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Official text: English.

Registered by the United States of America on 10 November 1953.

**ÉTATS-UNIS D'AMÉRIQUE
et
CORÉE**

**Échange de notes constituant un accord relatif à la sécurité
mutuelle. Pusan, 4 et 7 janvier 1952**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 10 novembre 1953.

No. 2359. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND KOREA RELATING TO MUTUAL SECURITY. PUSAN, 4 AND 7 JANUARY 1952

I

The American Ambassador to the Korean Minister of Foreign Affairs

AMERICAN EMBASSY

Pusan, January 4, 1952

Sir :

I have the honor to refer to the memorandum, which I left with President Rhee on December 15, 1951, relative to the effect of the enactment by the Congress of the Mutual Security Act of 1951 (Public Law 165, Eighty-Second Congress)² upon the furnishing of assistance under the agreement relating to military assistance signed January 26, 1950 between the Government of the United States and the Government of the Republic of Korea.³

I also have the honor to confirm the understandings reached as a result of conversations on this subject which have taken during the last few days, as follows :

1. Whenever reference is made in any of the articles of such mutual defense assistance agreement to the Mutual Defense Assistance Act of 1949, as amended,⁴ such references shall be construed as meaning The Mutual Defense Assistance Act of 1949, as heretofore amended, including the statement of purposes contained in Section Two of the Mutual Security Act of 1951, which recognizes the primary importance of strengthening the mutual security and individual and collective defenses of the Free World, developing their resources in the interest of the security and independence and national interest of friendly countries and facilitating the effective participation of those countries in the United Nations system for collective security.

2. The Government of the Republic of Korea hereby confirms that it has agreed to :

A. Join in promoting international understanding and good will, and maintaining world peace;

¹ Came into force on 7 January 1952 by the exchange of the said notes.

² United States of America : 65 Stat. 373.

³ United Nations, *Treaty Series*, Vol. 80, p. 205.

⁴ United States of America : 63 Stat. 714; 22 U.S.C. §§ 1571-1604.

B. Take such action as may be mutually agreed upon to eliminate causes of international tension;

C. Make, consistent with the political and economic stability, 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;

D. Take all reasonable measures which may be needed to develop its defense capacities; and

E. Take appropriate steps to insure the effective utilization of the economic and military assistance provided by the United States.

3. The two governments will establish procedures to ensure that equipment and materials furnished by the Government of the United States under the Mutual Defense Assistance Act of 1949, as amended, or by either government under the terms of the January 26, 1950 agreement, other than equipment or materials furnished under terms requiring reimbursement, and no longer required for the purposes for which originally made available will be offered for return to the government which furnished such assistance for appropriate disposition.

4. The two governments will establish procedures whereby the Government of the Republic of Korea 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 so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any persons, firm, agency, corporation, organization, or government when the Government of the Republic of Korea is advised by the Government of the United States that any such legal process would interfere with the attainment of the objectives of the said program of assistance.

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

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

John J. Muccio

The Honorable Pyun Yung-t'ai (Pyon Yong-t'ae)
Minister of Foreign Affairs
Republic of Korea

II

The Korean Minister of Foreign Affairs to the American Ambassador

REPUBLIC OF KOREA
MINISTRY OF FOREIGN AFFAIRS

Pusan, January 7, 1952

Sir :

I have the honour to refer to your note dated January 5, 1952, setting forth terms for the Government of the Republic of Korea to accept, if it wishes to be supplied with the military, economic or technical assistance as provided in the Mutual Security Act of 1951 and have the pleasure of notifying that this Government accepts the terms from 1 to 4, as specified in the said note, framed, I understand, largely in accordance with 511 (a) of the Mutual Security Act, with the understanding that the exchange of your note and this is to effect the intended agreement and that the agreement thus effected comes into force on the very day, on which this accepting note is dispatched, as clearly indicated in your note.

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

Y. T. PYUN
Minister of Foreign Affairs

The Honorable John J. Muccio
Ambassador of the United States
American Embassy, Pusan