

No. 3064

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement concerning assistance to be rendered by a
German Red Cross Hospital in Korea. Signed at Wash-
ington, on 12 February 1954**

Official texts: English and German.

Registered by the United States of America on 20 December 1955.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'aide à fournir par un hôpital de la Croix-
Rouge allemande en Corée. Signé à Washington, le
12 février 1954**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 20 décembre 1955.

No. 3064. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING ASSISTANCE TO BE RENDERED BY A GERMAN RED CROSS HOSPITAL IN KOREA. SIGNED AT WASHINGTON, ON 12 FEBRUARY 1954

Whereas the Government of the United States of America, acting as the Unified Command pursuant to the United Nations Security Council resolution of July 7, 1950,² has designated the Commander of the United Nations forces in Korea (hereinafter referred to as the "Commander") ;

Whereas the Government of the Federal Republic of Germany desires to lend humanitarian assistance in Korea and therefore proposes the dispatch of a Red Cross hospital (hereinafter referred to as the "Hospital") and its staff of civilian personnel to Korea ;

Whereas Article 27 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949³ sets out procedures which the two Governments are willing to employ for the accomplishment of the humanitarian proposal of the Federal Republic of Germany ;

The Government of the United States of America and the Government of the Federal Republic of Germany have entered into the present agreement :

Article I

1. The German Red Cross in the Federal Republic of Germany as a recognized national aid society shall, on the instructions and with the consent of the Government of the Federal Republic of Germany, furnish a Hospital for use in connection with the United Nations operations in Korea. The Hospital will devote its facilities to the care of civilians to the extent found feasible by the Commander.

¹ Came into force on 12 February 1954, upon signature, in accordance with article VIII.

² United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 2 (A/1361)*, p. 25.

³ United Nations, *Treaty Series*, Vol. 75, p. 31 ; Vol. 78, p. 365 ; Vol. 84, p. 413 ; Vol. 87, p. 394 ; Vol. 91, p. 378 ; Vol. 96, p. 323 ; Vol. 100, p. 293 ; Vol. 105, p. 303 ; Vol. 120, p. 298 ; Vol. 128, p. 307 ; Vol. 131, p. 332 ; Vol. 139, p. 459 ; Vol. 149, p. 409 ; Vol. 150, p. 369 ; Vol. 165, p. 326 ; Vol. 167, p. 295 ; Vol. 171, p. 415 ; Vol. 173, p. 397 ; Vol. 180, p. 301 ; Vol. 181, p. 349 ; Vol. 184, p. 337 ; Vol. 186, p. 314 ; Vol. 188, p. 368 ; Vol. 191, p. 365 ; Vol. 198, p. 384 ; Vol. 199, p. 329 ; Vol. 202, p. 330 ; Vol. 207, p. 344, and Vol. 213, p. 378.

2. The Government of the United States of America, acting as the Unified Command, gives its authorization to the rendering of assistance by the Hospital and shall request the Secretary General of the United Nations to give the notification to the adverse Party provided for in the second sentence of paragraph 2, Article 27 of the above-mentioned Geneva Convention.

Article II

1. The Hospital shall be placed under the control of the Commander. Its internal operations, administration, and disciplinary control shall be vested in the Head of the Hospital, subject to all orders, directives, and policies of the Commander. In the event of disagreement with such orders, directives, or policies, they shall be accepted and carried out as given, but formal protest may be presented subsequently.

2. The German personnel of the Hospital shall wear the uniform of the German Red Cross.

Article III

1. The Government of the United States of America shall assist the Hospital in the discharge of its functions.

2. The Government of the United States of America shall furnish the Hospital with available materials, supplies, services, and facilities, including transportation to and from Korea and such local services as are normally supplied by the Commander to like units, which the Hospital requires for its operations and which it is not feasible for the Government of the Federal Republic of Germany to furnish.

3. In protecting and caring for the Hospital, the Commander shall apply the same standards as he applies to like units under his jurisdiction, taking into account its humanitarian mission as a medical unit of a recognized national aid society.

4. The Commander, in so far as possible, will provide for unimpeded communications between the Hospital and the competent German authorities.

Article IV

1. The Government of the United States of America and the Government of the Federal Republic of Germany will maintain accounts of the materials, supplies, services, and facilities furnished by the Government of the United States of America to the Hospital.

2. The Government of the Federal Republic of Germany shall reimburse the Government of the United States of America in United States dollars, upon the presentation of statements of account by the Government of the United States

of America, for such materials, supplies, services, and facilities. Issues of materials and supplies to the Hospital will not operate to transfer title in advance of reimbursement.

3. The Governments of the United States of America and the Federal Republic of Germany shall make technical and administrative arrangements regarding the furnishing of materials, supplies, services, and facilities, and the accounting and reimbursement therefor.

4. Classified, specialized, or scarce items furnished to the Hospital by the Government of the United States of America will be returned upon request, at the termination of the activities of the Hospital under this agreement, as a credit to the account of the Hospital. If the Government of the Federal Republic of Germany determines that materials or supplies furnished by the Government of the United States of America are not desired for retention, such materials or supplies may be offered to the Government of the United States of America, and if accepted, their residual value as determined by the Government of the United States of America will be credited to the account of the Hospital.

5. Settlement of obligations for materials, supplies, services, and facilities received by the Hospital from other governments, whether directly or through the Commander, shall be a matter for consideration between the Government of the Federal Republic of Germany and such other governments.

Article V

The requirements of the Hospital for Korean currency will be supplied under arrangements approved by the Commander ; provided, however, that settlement of any obligation of the Government of the Federal Republic of Germany for the use of such currency will be a matter for consideration between the Government of the Federal Republic of Germany and the competent authorities of Korea.

Article VI

1. Each of the parties to this agreement agrees not to assert any claim against the other party for injury or death of its personnel, or for loss, damage, or destruction of its property or property of its personnel caused in Korea by personnel of the other party. For the purposes of this paragraph, personnel of the Government of the Federal Republic of Germany shall be defined as personnel of the Hospital and property of the Government of the Federal Republic of Germany shall include the property of the German Red Cross.

2. Claims of any other government or its nationals against the Government or nationals of the Federal Republic of Germany or vice versa shall be a matter for

disposition between the Government of the Federal Republic of Germany and such other government or its nationals.

Article VII

The Government of the United States of America shall render to the Hospital such available assistance as may be necessary in connection with the termination of its activities and its redeployment.

Article VIII

This agreement shall come into force upon the date of signature thereof, and shall apply to all materials, supplies, services, and facilities furnished or rendered before, on, or after that date, to all claims referred to in Article VI arising before, on, or after that date, and to all technical and administrative arrangements concluded pursuant to Article IV before, on, or after that date.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments have signed this agreement.

DONE at Washington, this twelfth day of February 1954, in duplicate in the English and German languages, each text being equally authentic.

For the Government of the United States of America :

Walter BEDELL SMITH

For the Government of the Federal Republic of Germany :

D. Heinz L. KREKELER
