

No. 3428

**UNITED STATES OF AMERICA
and
CANADA**

Exchange of notes (with appendix) constituting an agreement relating to the status of Canadian forces stationed in the Federal Republic of Germany. Bonn, 19 April 1955, and Bonn/Bad Godesberg, 26 January 1956

Official text: English.

Registered by the United States of America on 15 May 1956.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

Échange de notes (avec appendice) constituant un accord relatif au statut des forces canadiennes stationnées sur le territoire de la République fédérale d'Allemagne. Bonn, 19 avril 1955, et Bonn/Bad-Godesberg, 26 janvier 1956

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 15 mai 1956.

No. 3428. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO THE STATUS OF CANADIAN FORCES STATIONED IN THE FEDERAL REPUBLIC OF GERMANY. BONN, 19 APRIL 1955, AND BONN/BAD GODESBERG, 26 JANUARY 1956

I

*The Canadian Ambassador to the Federal Republic of Germany
to the United States High Commissioner for Germany*

CANADIAN EMBASSY
AMBASSADE DU CANADA

Bonn, April 19, 1955

Excellency,

I should like to refer to discussions which have taken place between representatives of this Embassy and representatives of the United Kingdom, United States and French High Commissions regarding the conclusion of arrangements whereby the provisions of the Convention² on the Rights and Obligations of Foreign Forces and Their Members in the Federal Republic of Germany, the Finance Convention² and the Agreement² on Tax Treatment of the Forces and Their Members may be applied to the Canadian Forces and their members stationed in the territory of the Federal Republic.

I have been instructed by my Government to propose that an agreement be concluded, the terms of which are contained in a Memorandum of Understanding which is attached to this letter as Appendix "A".³ It is proposed that after the views of the Government of the Federal Republic of Germany have been ascertained in accordance with item (ii) of sub-paragraph (b) of paragraph 4 of Article 1 of the Convention on the Rights and Obligations of Foreign Forces and Their Members in the Federal Republic of Germany and if you agree this letter with its Appendix and your reply should constitute an

¹ Came into force on 26 January 1956 by the exchange of the said notes.

² United States of America: *Treaties and Other International Acts Series 3425*.

³ See p. 118 of this volume.

agreement between our Governments for the purposes of sub-paragraph (b) of paragraph 4 of Article 1 of that Convention, which shall then be notified to the Government of the Federal Republic of Germany.

Similar letters have been addressed to your British and French colleagues.¹

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

C. S. A. RITCHIE

His Excellency Dr. James B. Conant
United States High Commissioner to Germany
Mehlem

APPENDIX "A"

MEMORANDUM OF UNDERSTANDING BETWEEN CANADA AND THE THREE POWERS REGARDING THE APPLICATION OF THE PROVISIONS OF THE CONVENTION ON THE RIGHTS AND OBLIGATIONS OF FOREIGN FORCES AND THEIR MEMBERS IN THE FEDERAL REPUBLIC OF GERMANY, THE FINANCE CONVENTION AND THE AGREEMENT ON THE TAX TREATMENT OF THE FORCES AND THEIR MEMBERS TO CANADIAN FORCES AND THEIR MEMBERS IN THE FEDERAL REPUBLIC OF GERMANY

Subject to the provisions of paragraph 2 of this Memorandum, for the purposes of the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany (Forces Convention) and the Finance Convention, as may from time to time be amended, the Power Concerned, as defined in paragraph 4 (b) of Article 1 of the Forces Convention, shall be with respect to Canadian Forces and their members stationed in the Federal territory, Canada or one of the Three Powers, as indicated in Annex I² or Annex II³ to this Memorandum. Annexes I and II are to be considered part of this Memorandum.

2. Where more than one Power is named as the Power Concerned in this Memorandum the division of responsibility between those Powers so named will be determined by arrangements between their appropriate authorities. In general, the Power Concerned for a particular case or situation will be that Power initiating action or that Power to which approach is made by the German authorities unless responsibility as Power Concerned is transferred by that Power to the other Power named as Power Concerned in the relevant item of the Annexes to this Memorandum.

3. It is understood that the Agreement on Tax Treatment of the Forces and their Members (Tax Agreement) applies to Canadian Forces and their members, and to

¹ Not printed by the Department of State of the United States of America.

² See p. 120 of this volume.

³ See p. 122 of this volume.

Canadian Organizations and enterprises, and their employees, referred to in Article 36 of the Forces Convention, in the same way as it applies to those of the Three Powers.

4. The arrangements contemplated in this Memorandum shall become effective upon the coming into force of the Forces Convention and the Finance Convention and shall remain effective insofar as they are related to the particular Convention or Agreement as long as the Forces Convention or the Finance Convention or the Tax Agreement remain in force.

5. The arrangements contemplated in this Memorandum may be amended at any time by an exchange of notes between Canada and the Three Powers, except that the Annexes may be amended by an exchange of notes between Canada and that one of the Three Powers which is named therein as Power Concerned, all amendments to be notified to the Federal Government.

ANNEX I TO APPENDIX "A"

"POWER CONCERNED" UNDER THE FORCES AND FINANCE CONVENTIONS WITH RESPECT TO THE ROYAL CANADIAN AIR FORCE AND ITS MEMBERS STATIONED IN THE FEDERAL REPUBLIC OF GERMANY

Article	Paragraph	Power Concerned	Article	Paragraph	Power Concerned
FORCES CONVENTION			25	2	Canada
				4	Canada
1	7	Canada	27	1	Canada
2		Canada	28	1	Canada
4		France	29		Canada
5		Canada	30		Canada
6		Canada	31		Canada
7	2	Canada	32		Canada
	3	Canada	33		Canada
	4	Canada	34	4	Canada
	5	Canada		5	Canada
	6			7	Canada
	7	Canada		8	Canada
8		Canada		9	Canada
9		Canada	35	2	Canada
10		Canada		4	Canada
11		Canada		5	Canada
12		Canada		6	Canada
13		Canada		8	Canada
15		Canada		9	Canada
16		Canada		10	Canada
17	4	Canada		11	Canada
	6	Canada	36		Canada
	7	Canada	38		Canada
	10	Canada	39		Canada
18	1	Canada	40		Canada
	3	Canada	41		Canada
	7	Canada	43		Canada
21		Canada	44	3	Canada
22		Canada		5	Canada
24		Canada		6	Canada

<i>Article</i>	<i>Paragraph</i>	<i>Power Concerned</i>	<i>Article</i>	<i>Paragraph</i>	<i>Power Concerned</i>
	7	Canada		8	Canada
	8	France		9	Canada
	9	France		11	Canada
	10	France		13	Canada
45		France		14	Canada
48		France		15	Canada
				16	Canada
	FINANCE CONVENTION			9	Canada
				10	France
2		Canada		11	France
4		France		12	Canada
5	1	Canada		13	1
	2	France			2
	3	France			3
	3(a)	Canada			4
		Canada		15	France
6		France		17	Canada
7		Canada			
8	7	Canada			United Kingdom

ANNEX II TO APPENDIX "A"

"POWER CONCERNED" UNDER THE FORCES AND FINANCE CONVENTIONS WITH RESPECT TO THE CANADIAN ARMY AND ITS MEMBERS STATIONED IN THE FEDERAL REPUBLIC OF GERMANY

<i>Article</i>	<i>Paragraph</i>	<i>Power Concerned</i>	<i>Article</i>	<i>Paragraph</i>	<i>Power Concerned</i>
	FORCES CONVENTION				
			18	1	Canada
				3	Canada
				7	United Kingdom
1	7	Canada			United Kingdom
2		Canada	21		Canada
4		United Kingdom	22		Canada
5		Canada	24		Canada
6		Canada	25	2	Canada
7	2	Canada		4	Canada
	3	Canada	27		Canada
	4	Canada	28		Canada
	5	Canada	29		Canada
	6	United Kingdom	30		United Kingdom
	7	Canada	31		Canada
8		Canada	32	1	Canada
9		Canada		2	Canada
10		Canada		3	Canada
11		Canada		4	Canada
12		Canada	33		Canada
13		Canada	34	4	Canada
15		United Kingdom	34	5	Canada
16		Canada		7	United Kingdom
17	4	Canada		8	Canada
	6	Canada		9	Canada
	7	Canada	35	2	Canada
	10	United Kingdom		4	Canada

Article	Paragraph	Power Concerned	Article	Paragraph	Power Concerned
	5	Canada			United Kingdom
	6	Canada			United Kingdom
	8	Canada			United Kingdom
	9	Canada			United Kingdom
	10	Canada			United Kingdom
	11	Canada			United Kingdom
36		Canada			Canada
38		United Kingdom			United Kingdom
39	3	United Kingdom			United Kingdom
	5	United Kingdom			United Kingdom
	6	United Kingdom			United Kingdom
	7	United Kingdom			United Kingdom
	8	United Kingdom			United Kingdom
	10	United Kingdom			United Kingdom
	11	Canada			Canada
40	1	United Kingdom			United Kingdom
	2	United Kingdom			United Kingdom
	3	Canada			Canada
41		United Kingdom			United Kingdom
43		United Kingdom			United Kingdom
44	3	United Kingdom			United Kingdom
	5	United Kingdom			United Kingdom
	6	Canada			Canada
	7	Canada			Canada
	8	United Kingdom			United Kingdom
	9	United Kingdom			United Kingdom
	10	United Kingdom			United Kingdom
45		United Kingdom			United Kingdom
48		United Kingdom			United Kingdom
FINANCE CONVENTION					
			2	Canada	United Kingdom
			4		United Kingdom
			5	1 Canada	
				2	United Kingdom
				3	United Kingdom
				3(a) Canada	United Kingdom
			6		United Kingdom
			7	Canada	
			8	7 Canada	United Kingdom
				8 Canada	United Kingdom
				9 Canada	United Kingdom
				11 Canada	United Kingdom
				13 Canada	United Kingdom
			8	14 Canada	United Kingdom
				15 Canada	United Kingdom
				16 Canada	
			9	Canada	
			10		United Kingdom
			11		United Kingdom
			12	Canada	United Kingdom
			13	1 Canada	
				2	United Kingdom
				3	United Kingdom
				4 Canada	
			15		United Kingdom
			17	Canada	

II

*The American Ambassador to the Federal Republic of Germany
to the Canadian Ambassador to the Federal Republic of Germany*

EMBASSY OF THE UNITED STATES OF AMERICA

BONN/BAD GODESBERG

January 26, 1956

Excellency :

This is in reply to your letter of April 19, 1955, referring to discussions between representatives of your Embassy and representatives of the French, the United Kingdom, and the United States High Commissions regarding the conclusion of arrangements whereby the provisions of the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany (as amended), the Finance Convention (as amended), and the Agreement on Tax Treatment of the Forces and Their Members (as

amended) may be applied to the Canadian Forces and their members stationed in the territory of the Federal Republic.

To this letter you attach, as Appendix A, a Memorandum of Understanding which, in accord with paragraph 4 (b) of Article 1 of Part One of the Forces Convention, defines the Powers Concerned to act on behalf of the Canadian Forces.

The terms of the appended Memorandum of Understanding are acceptable to my Government and your letter with the appended Memorandum together with this reply shall constitute an agreement between our Governments for the purposes of paragraph 4 (b) of Article 1 of Part One of the Forces Convention which we understand will be formally notified by you to the Government of the Federal Republic of Germany.

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

James B. CONANT
American Ambassador

His Excellency Charles S. A. Ritchie
Canadian Ambassador
Bonn