

No. 12256

**UNITED STATES OF AMERICA
and
REPUBLIC OF KOREA**

**Exchange of notes constituting an agreement regarding the
loan of the destroyer USS *Chevalier* (DD-805). Seoul,
26 June and 7 September 1972**

Authentic text: English.

Registered by the United States of America on 29 December 1972.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE DE CORÉE**

**Échange de notes constituant un accord relatif au prêt du
contre-torpilleur USS *Chevalier* (DD-805). Séoul, 26 juin
et 7 septembre 1972**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 29 décembre 1972.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA REGARDING THE LOAN OF THE DESTROYER USS *CHEVALIER* (DD-805)

I

The American Chargé d'Affaires ad interim to the Korean Minister of Foreign Affairs

Seoul, June 26, 1972

No. 307

Excellency:

I have the honor to refer to discussions between representatives of our two Governments regarding the loan to the Government of the Republic of Korea of the destroyer USS *Chevalier* (DD-805) and to confirm the following understandings reached between our two Governments on this subject.

1. The Government of the United States will lend to the Government of the Republic of Korea the destroyer USS *Chevalier* (DD-805).

2. The Government of the Republic of Korea will retain possession of, and will use, the vessel subject to the terms and conditions of this note, and of the Mutual Defense Assistance Agreement between our two Governments of January 26, 1950,² as supplemented by the exchange of notes dated January 4 and January 7, 1952.³

3. The period of the loan for this vessel shall be five years from the date of its delivery to the Government of the Republic of Korea. However, either Government may terminate the loan of the vessel at any time.

4. This vessel will be delivered to the Government of the Republic of Korea at such place and time as may be mutually agreed upon. The delivery shall be evidenced by a delivery certificate. The Government of the Republic of Korea shall have the use of all outfitting equipment, appliances, fuel, spares, and replacement parts on board the vessel at the time of its delivery.

5. Title to the vessel and to the items and appurtenances referred to in paragraph 4 of this note, except fuel, spares, and replacement parts, shall remain in the Government of the United States. The Government of the Republic of Korea may, however, place the vessel under its flag. The Government of the Republic of Korea shall not, without the prior express written consent of the Government of the United States, relinquish physical possession of the vessel or any such items and appurtenances or disclose any plan, specification or other information pertaining thereto except to authorized officers, employees or agents of the Government of the Republic of Korea. The Government of the Republic of Korea will take such security measures with respect to the equipment on board the vessel as would guarantee the same degree of security and protection as provided by the United States of America.

6. The Government of the Republic of Korea renounces all claims against the Government of the United States arising from the transfer, use, or operation of the vessel and

¹ Came into force on 7 September 1972, the date of the note in reply, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 80, p. 205.

³ *Ibid.*, vol. 179, p. 105.

will save the Government of the United States harmless from any such claims asserted by third parties.

7. Upon the expiration or termination of the loan as provided in paragraph 3 of this note, this vessel together with its outfitting equipment, appliances, and available on-board spares and allowances, including replacement parts and fuel, will be returned to the United States at a place and a time specified by the Government of the United States, in substantially the same condition, reasonable wear and tear excepted, as when transferred. Any items and appurtenances on board the vessel at the time of return shall, if they are not already the property of the Government of the United States, become the property of the Government of the United States without compensation.

8. The Government of the Republic of Korea will pay the Government of the United States just and reasonable compensation for damages to, or loss of, the vessel. The Government of the Republic of Korea shall not, however, be liable for damage or loss of the vessel arising out of enemy action sustained while in use in accordance with the provisions of paragraph 2 of this note. Should the vessel sustain damages from any cause, such as in the opinion of the Government of the Republic of Korea renders such vessel a total loss, the Government of the Republic of Korea shall consult with the Government of the United States before declaring said vessel a total loss.

If the foregoing is acceptable to the Government of the Republic of Korea, I have the honor to propose that Your Excellency's reply to that effect and my note shall together constitute an agreement between our two Governments which shall enter into force on the date of Your Excellency's reply.

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

FRANCIS T. UNDERHILL
Chargé d'Affaires ad interim

His Excellency Kim Yong Shik
Minister of Foreign Affairs
Seoul

II

The Korean Minister of Foreign Affairs to the American Ambassador

MINISTRY OF FOREIGN AFFAIRS
SEOUL

September 7, 1972

OBJ-888

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's note No. 307 dated June 26, 1972, which reads as follows:

[See note I]

I have the honour to inform Your Excellency that the proposals contained in your note are acceptable to the Government of the Republic of Korea and to

confirm that Your Excellency's note and this note in reply constitute an agreement between our two Governments on this matter, which shall enter into force as from this date.

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

KIM YONG SHIK
Minister of Foreign Affairs

His Excellency Philip C. Habib
Ambassador of the United States of America
Seoul
