

No. 9852

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

**Agreement regarding the status of the Korean Service Corps (with
agreed understandings). Signed at Seoul on 23 February 1967**

Authentic texts: English and Korean.

Registered by the United States of America on 2 September 1969.

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

**Accord relatif au statut du Service auxiliaire coréen (avec protocole
additionnel). Signé à Séoul le 23 février 1967**

Textes authentiques: anglais et coréen.

Enregistré par les États-Unis d'Amérique le 2 septembre 1969.

AGREEMENT ¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA REGARDING THE STATUS OF THE KOREAN SERVICE CORPS

The United States of America and the Republic of Korea, desiring to facilitate the mission of the United States armed forces in the defense of the Republic of Korea and considering the need for necessary provisions governing the status and administration of the Korean Service Corps personnel, have entered into this Agreement regarding the status of the Korean Service Corps in terms as set forth below:

Article I

In this Agreement, the term:

(a) “United States armed forces” does not include the United States Military Advisory Group to the Republic of Korea.

(b) “Employee or employees” means any Korean civilian personnel of the Korean Service Corps who perform labor services for the United States armed forces. It does not include the active members of the Republic of Korea Army attached to the United States armed forces for the purpose of assisting in the administration of employees who perform labor services for and under the direction of the United States armed forces.

(c) “The Joint Committee” refers to the committee established under Article XXVIII of the Agreement under Article IV of the Mutual Defense Treaty between the United States of America and the Republic of Korea, regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea, signed on July 9, 1966 ² (hereinafter referred to as the Status of Forces Agreement).

¹ Came into force on 10 March 1967, the date of the written notification from the Government of the Republic of Korea to the Government of the United States of America that it had approved the Agreement in accordance with its legal procedures, in accordance with article XII.

² United Nations, *Treaty Series*, vol. 674, p. 163.

Article II

The Korean Service Corps shall support the United States armed forces by transporting ammunition and supplies, evacuating the sick and wounded, constructing field fortifications, building and maintaining roads, operating supply points and performing other functions in connection with the mission of the United States armed forces. The mobility and flexibility of the Korean Service Corps, which are essential for United States-Republic of Korea mutual defense purposes and required by the nature of the Korean Service Corps mission and operations, will be maintained.

Article III

1. The Government of the Republic of Korea shall provide the United States armed forces with the number of suitable personnel requested by the United States military authorities for the maintenance of the Korean Service Corps at a strength required and mutually agreed. In requesting such personnel, the United States military authorities shall provide relevant information as to number, age, qualifications and time of reporting of required personnel to the competent authorities of the Government of the Republic of Korea for the recruitment of employees. The direct costs incurred for the recruitment services shall be reimbursed by the United States armed forces.

2. Selection and administration of the employees shall be by the United States armed forces.

Article IV

To the extent not inconsistent with the provisions of this Agreement or the military requirements of the United States armed forces, the conditions of employment, compensation, and labor-management relations established by the United States armed forces for Korean Service Corps employees shall conform with provisions of labor legislation of the Republic of Korea. When the United States armed forces cannot conform with provisions of labor legislation of the Republic of Korea applicable under this Agreement on account of the military requirements of the United States armed forces, the matter shall be referred, in advance, to the Joint Committee for consideration and appropriate action. In the event mutual agreement cannot be reached in the Joint Committee regarding appropriate action, the issue may be made the subject of review through discussions between appropriate officials of the Government of the Republic of Korea and the diplomatic mission of the United States of America.

Article V

1. The Government of the Republic of Korea shall inform the United States armed forces of the formation or dissolution of unions or other employee organizations established under the relevant provisions of labor legislation of the Republic of Korea.

2. Membership or non-membership in any employee organization established under the relevant provisions of labor legislation of the Republic of Korea shall not be a factor in employment or other actions affecting employees.

Article VI

1. In consideration of provisions concerning collective action in the labor legislation of the Republic of Korea, any dispute between the United States armed forces and employees or any recognized employee organization, which cannot be settled through grievance or labor relations procedures of the United States armed forces, shall be settled as follows:

(a) The dispute shall be referred to the Office of Labor Affairs of the Republic of Korea for conciliation.

(b) In the event that the dispute is not settled by the procedure described in (a) above, the matter shall be referred to the Joint Committee, which may refer the matter to a special committee designated by the Joint Committee for further conciliation efforts.

(c) In the event that the dispute is not settled by the procedures outlined above, the Joint Committee will resolve the dispute, assuring that expeditious procedures are followed. The decisions of the Joint Committee shall be binding.

(d) Failure of any recognized employee organization or employee to abide by the decision of the Joint Committee on any dispute, or engaging in practices disruptive of normal work requirements during settlement procedures, shall be considered just cause for the withdrawal of recognition of that organization and the discharge of that employee.

(e) Neither employee organizations nor employees shall engage in any practices disruptive of normal work requirements unless a period of at least 70 days has elapsed after the dispute is referred to the Joint Committee, as stipulated in subparagraph (b), above.