

No. 53568*

**United States of America
and
Republic of Korea**

Agreement between the United States of America and the Republic of Korea concerning special measures relating to article V of the Agreement under article IV of the Mutual Defense Treaty between the Republic of Korea and the United States of America, regarding facilities and areas and the status of United States Armed Forces in the Republic of Korea (with exchange of notes). Seoul, 15 January 2009

Entry into force: *5 March 2009 by notification, in accordance with article V*

Authentic texts: *English and Korean*

Registration with the Secretariat of the United Nations: *United States of America, 20 April 2016*

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**États-Unis d'Amérique
et
République de Corée**

Accord entre les États-Unis d'Amérique et la République de Corée concernant des mesures spéciales relatives à l'article V de l'Accord relatif aux zones et installations et au statut des forces armées des États-Unis dans la République de Corée, conclu conformément à l'article IV du Traité de défense mutuelle entre la République de Corée et les États-Unis d'Amérique (avec échange de notes). Séoul, 15 janvier 2009

Entrée en vigueur : *5 mars 2009 par notification, conformément à l'article V*

Textes authentiques : *anglais et coréen*

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique, 20 avril 2016*

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No. 021

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Trade of the Republic of Korea and has the honor to refer to recent discussions between representatives of our two governments regarding the Agreement between the Republic of Korea and the United States of America concerning special measures relating to Article V of the agreement under Article IV of the Mutual Defense Treaty between the Republic of Korea and the United States of America regarding facilities and areas and the Status of United States Armed Forces in the Republic of Korea signed on January 15, 2009 (hereinafter referred to as “the SMA”) and proposes that the in-kind construction contributions be implemented in accordance with the following principles:

- (1) The Republic of Korea Funded Construction remains under the SMA.
- (2) The United States of America, after consultation with the Republic of Korea, selects and prioritizes construction projects based on military needs.
- (3) The Republic of Korea awards construction contracts and implements construction projects in accordance with the corresponding timeline as identified and developed during project design.

(4) The United States is responsible for project design.

(5) The United States provides design specifications and a list of acceptable contractors to the Republic of Korea. Contractors shall be Republic of Korea companies selected from the United States Army Corps of Engineers Far East District's Pre-Qualified contractor list.

(6) Design and Construction oversight, which averages twelve (12) percent of the total project costs, is paid by the Republic of Korea in cash.

(7) Any bid savings shall be used for future projects.

(8) The United States and the Republic of Korea shall establish proper procedures to prevent unexecuted contributions. In the unlikely event that unexecuted contributions exist at the end of the year, those contributions shall roll over to the next year.

(9) An annual review system shall be established to ensure "in-kind" procedures are working. For the project or projects where it is determined "in-kind" procedures are not working, the Republic of Korea and the United States shall consult in an effort to resolve the problem, and take proper actions to complete the project or projects including providing cash to the United States.

Thirty (30) percent of the 2009 Republic of Korea Funded Construction contribution shall be provided by the Republic of Korea in-kind, sixty (60) percent of the 2010 Republic of Korea Funded Construction contribution shall be provided by the Republic of Korea in-kind, and from 2011 to 2013 eighty-eight (88) percent of the Republic of Korea Funded Construction contribution shall be provided by the Republic of Korea in-kind.

If the foregoing is acceptable to the Republic of Korea, the Embassy has the honor to propose that this note, together with the Ministry's reply, shall constitute an agreement between the two governments, which shall enter into force at the same time as the SMA.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Trade the assurances of its highest consideration.

The Embassy of the United States of America,
Seoul, January 15, 2009



AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
AND THE REPUBLIC OF KOREA
CONCERNING SPECIAL MEASURES RELATING TO
ARTICLE V OF THE AGREEMENT UNDER ARTICLE IV
OF THE MUTUAL DEFENSE TREATY BETWEEN
THE REPUBLIC OF KOREA AND THE UNITED STATES OF AMERICA
REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES
ARMED FORCES IN THE REPUBLIC OF KOREA