

DEFENSE

Cooperation

**Memorandum of Understanding between the
UNITED STATES OF AMERICA
and DENMARK**

Signed at Nuuk February 20, 2003

with

Related Exchange of Notes



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

DENMARK

Defense: Cooperation

*Memorandum of understanding signed
at Nuuk February 20, 2003;
Entered into force February 20, 2003.
With related exchange of notes.*

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE KINGDOM OF DENMARK
(INCLUDING THE HOME RULE GOVERNMENT OF GREENLAND)
CONCERNING
THE DUNDAS AREA**

Article I

1. This Memorandum of Understanding (MOU) regulates cooperation between the Government of the United States of America and the Government of the Kingdom of Denmark (including the Home Rule Government of Greenland), which has been agreed upon in connection with the Exchange of Notes this day between the Danish and the United States Governments regarding the relinquishment of Dundas from the Thule defence area.
2. Having reference also to the NATO Status of Forces Agreement, this MOU is in implementation of the United States – Denmark Agreement Concerning the Defence of Greenland, dated April 27, 1951 (hereinafter referred to as “the 1951 Agreement”), and related agreements.

Article II

1. Notwithstanding the provisions of any other agreement, the Danish Government (including the Greenland Home Rule Government) accepts the return of Dundas “as is” and assumes complete responsibility for any environmental remediation or other actions it may believe necessary.
2. The Danish Government (including the Greenland Home Rule Government) hereby waives any and all claims of the Danish Government (including the Greenland Home Rule Government) against the Government of the United States arising out of any acts or omissions related to or in connection with the use of Dundas during the period of its inclusion within the Thule defence area.
3. Any and all claims cognisable under the NATO Status of Forces Agreement shall be dealt with in accordance with the provisions of that Agreement.
4. The Government of Denmark assumes jurisdiction and liability for any and all claims, not covered in paragraph 3 above, for damages that resulted in any way, in whole or in part, from any acts or omissions (or alleged acts or omissions) by

the claimant, the Government of Denmark (including the Greenland Home Rule Government) or a third party occurring after the return of the Dundas Peninsula. Nothing herein should in any way be interpreted as limiting or otherwise affecting the applicability of the NATO SOFA provisions pertaining to claims.

5. The foregoing paragraphs of this article shall not apply to contractual claims against the Government of the United States.

Article III

Except as otherwise agreed in the Permanent Committee, there shall be no settlement of persons or erection of permanent structures in Dundas for three years from the date of the Exchange of Notes regarding the relinquishment of Dundas from the Thule defence area. This does not prevent restoration that does not alter the original size and essential character of existing buildings. For an additional period of three years the U.S. authorities will be consulted no later than six months in advance in case any initiative should be taken that would alter the original size and essential character of existing buildings.

Article IV

The following security measures shall be taken regarding the Thule defence area:

1. United States authorities and Danish/Greenlandic authorities undertake to cooperate to ensure that the return of Dundas to Danish jurisdiction and control does not compromise the security of Thule Air Base or the Thule defence area. This cooperation includes periodic joint threat assessments by appropriate experts.
2. Danish/Greenlandic authorities undertake to ensure necessary policing of Dundas, including, if necessary, by police forces supplementing the local police on short notice. The Danish/Greenlandic authorities shall ensure regular patrol activities in and surveillance of Dundas, and, if appropriate and for a limited period of time, relevant checks of incoming aircraft and passengers.
3. Danish/Greenlandic authorities shall ensure that non-residents of the Qaanaaq Municipality are not permitted in Dundas on a permanent basis and that such non-residents do not enter the Thule defence area from Dundas without permission of competent United States authorities at Thule Air Base.

4. Consultations and exchange of information on matters relating to Dundas that may have implications for the security of Thule Air Base will be dealt with in the Permanent Committee.

Article V

The Permanent Committee shall monitor the implementation of this Memorandum of Understanding.

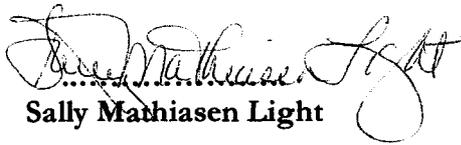
Article VI

1. Any disagreement regarding the interpretation or application of this MOU shall be resolved by consultation between the parties.
2. This Memorandum of Understanding shall enter into force on the date of signature and shall remain in force for the duration of the 1951 Agreement. This understanding may be amended at any time by mutual written agreement of the Parties.

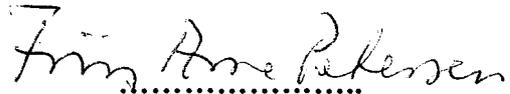
In witness whereof, the undersigned representatives have signed this Memorandum of Understanding.

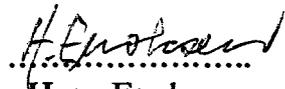
Done in Nuuk this twentieth day of February 2003 in duplicate, in the English and Danish languages, both texts being equally authentic.

**For the Government of
The United States of America**


.....
Sally Mathiasen Light

**For the Government of
The Kingdom of Denmark
(including The Home Rule Government of
Greenland)**


.....
Friis Arne Petersen
For the Government of Denmark


.....
Hans Enoksen
**For The Home Rule Government
of Greenland**

Copenhagen, February 20, 2003

Your Excellency,

I have the honour to refer to Exchanges of Notes of October 14, 1964, May 5, 1965, September 30, 1986, and September 29, 1992, between our two Governments concerning certain adjustments of the geographical extension of the defence areas in Greenland made available to the United States by the Government of Denmark pursuant to Article II (3) of the Agreement of April 27, 1951, Concerning the Defence of Greenland as set forth in Technical Schedule of March 20, 1958, and the Memorandum of Understanding of March 13, 1991 between the Government of the United States of America and the Government of the Kingdom of Denmark (including the Home Rule Government of Greenland) Concerning Use of Sondrestrom Aviation Facility, Kulusuk Airfield and Other Matters Related to United States Military Activities in Greenland.

1. Following the agreement in the Memorandum of Understanding of today's date concerning removal of Dundas from the defence area and discussions between our representatives, I have the honour to propose that the defence area in Greenland be redefined as follows:

- 1.1 Thule

The defence area of Thule covers the area of the Southern bank of Wolstenholme Fjord limited by Harald Moltke's Glacier (Sermerssuaq), the ice cap and a straight line between the following two points: 69° 10' W, 76° 30' N and 68° 35' W, 76° 18' N, save the area delimited by a line beginning at the coast south at 76° 325 min N following the watershed to 68° 46' W, 76° 332' N and from there north to a point on the coast on 68° 44' W.

2. It is agreed that, in case of emergency or if performance of a mission makes it necessary, access to and movement by the Armed Forces of the United States in any of the portions of the defence areas relinquished in accordance with this and earlier Exchanges of Notes is authorized subject to the provisions of Article V (3) and Article VI (as modified in 1986) of the Agreement of April 27, 1951, Concerning the Defence of Greenland.

His Excellency
Mr. Stuart Alan Bernstein
Ambassador of the United States of America
Copenhagen

It is understood and agreed that the entitlement to priority use by the United States of facilities in Sondrestrom and Kulusuk shall continue in accordance with Article XV of the Memorandum of Understanding of March 13, 1991 referenced above.

3. The Danish Liaison Officer at Thule shall be informed immediately, and whenever possible in advance, of any access or movement in the areas relinquished in accordance with this and earlier Exchanges of Notes, as authorized therein.

If this proposal is agreeable to the Government of the United States of America, this Note and Your Excellency's reply to that effect shall constitute a new Technical Schedule to the Agreement of April 27, 1951, Concerning the Defence of Greenland, superseding the Technical Schedule contained in the Exchange of Notes of September 29, 1992. It shall enter into force on the date of Your Excellency's reply and remain in force for the duration of the Agreement of April 27, 1951.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.



Per Stig Møller
Minister for Foreign Affairs

Ambassador of the United States of America.

March 12, 2003

Dear Mr. Minister: ,

I have the honor to refer to your note of February 20, 2003 which reads as follows:

"I have the honour to refer to Exchanges of Notes of October 14, 1964, May 5, 1965, September 30, 1986, and September 29, 1992, between our two Governments concerning certain adjustments of the geographical extension of the defence areas in Greenland made available to the United States by the Government of Denmark pursuant to Article II (3) of the Agreement of April 27, 1951, Concerning the Defence of Greenland as set forth in Technical Schedule of March 20, 1958, and the Memorandum of Understanding of March 13, 1991 between the Government of the United States of America and the Government of the Kingdom of Denmark (including the Home Rule Government of Greenland) Concerning Use of Sondrestrom Aviation Facility, Kulusuk Airfield and Other Matters Related to United States Military Activities in Greenland.

(1). Following the agreement in the Memorandum of Understanding of today's date concerning removal of Dundas from the defence area and discussions between our representatives, I have the honour to propose that the defence area in Greenland be redefined as follows:

(1.1). Thule

The defence area of Thule covers the area of the Southern bank of Wolstenholme Fjord limited by Harald Moltke's Glacier (Sermerssuaq), the ice cap and a straight line between the following two points: 69° 10'W, 76° 30'N and 68° 35'W, 76° 18'N, save the area delimited by a line beginning at the coast south at 76° 325 min N following the watershed to 68° 46'W, 76° 332'N and from there north to a point on the coast on 68° 44'W.

(2). It is agreed that, in case of emergency or if performance of a mission makes it necessary, access to and movement by the Armed Forces of the United States in any of the portions of the defence areas relinquished in accordance with this and earlier Exchanges of Notes is authorized subject to the provisions of Article V(3) and Article VI (as modified in 1986) of the Agreement of April 27, 1951, Concerning the Defence of Greenland.

It is understood and agreed that the entitlement to priority use by the United States facilities in Sondrestrom and Kulusuk shall continue in accordance with Article XV of the Memorandum of Understanding of March 13, 1991 referenced above.

(3). The Danish Liaison Officer at Thule shall be informed immediately, and whenever possible in advance, of any access or movement in the areas relinquished in accordance with this and earlier Exchanges of Notes, as authorized therein.

If this proposal is agreeable to the Government of the United States of America, this Note and Your Excellency's reply to that effect shall constitute a new Technical Schedule to the Agreement of April 27, 1951, Concerning the Defence of Greenland, superseding the Technical Schedule contained in the Exchange of Notes of September 29, 1992. It shall enter into force on the date of Your Excellency's reply and remain in force for the duration of the Agreement of April 27, 1951.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration."

I confirm that the foregoing proposal is agreeable to the Government of The United States of America and that your note and this reply shall constitute a new Technical Schedule to the Agreement of April 27, 1951, Concerning the Defence of Greenland, superseding the Technical Schedule contained in the Exchange of Notes of September 29, 1992, and that it shall enter into force on the date of this reply and remain in force for the duration of the Agreement of April 27, 1951.

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

Sincerely,



Stuart Bernstein

His Excellency
Per Stig Møller,
Minister of Foreign Affairs,
The Kingdom of Denmark.

**AFTALEMEMORANDUM
MELLEM
AMERIKAS FORENEDE STATERS REGERING
OG
KONGERIGET DANMARKS REGERING
(INKLUSIVE GRØNLANDS LANDSSTYRE)
VEDRØRENDE
DUNDAS-OMRÅDET**

Artikel I

1. Dette Aftalememorandum regulerer samarbejde mellem Amerikas Forenede Staters regering og Kongeriget Danmarks regering (inklusive Grønlands landsstyre), som der er opnået enighed om i forbindelse med noteudveksling samme dag mellem den danske og amerikanske regering vedrørende udskillelsen af Dundas fra forsvarsområdet ved Thule.
2. Med henvisning også til overenskomst mellem deltagerne i Den Nordatlantiske Traktat vedrørende status for deres styrker er nærværende Aftalememorandum et led i gennemførelsen af Overenskomsten mellem Danmark og De Forenede Stater om forsvaret af Grønland af 27. april 1951 (herefter benævnt 1951-aftalen) og aftaler i forbindelse hermed.

Artikel II

1. Uanset bestemmelserne i andre aftaler, accepterer den danske regering (inklusive Grønlands landsstyre) udskillelsen af Dundas "som det er" og påtager sig fuldt ansvar for enhver miljømæssig afhjælpningsforanstaltning eller andre handlinger, den anser for påkrævet.
2. Den danske regering (inklusive Grønlands landsstyre) frafalder herved ethvert erstatningskrav fra den danske regering (inklusive Grønlands landsstyre) over for De Forenede Staters regering, som måtte hidrøre fra nogen handling eller undladelse i forbindelse med eller knyttet til anvendelsen af Dundas i den periode, hvor det udgjorde en del af forsvarsområdet ved Thule.
3. Ethvert krav, der henhører under overenskomsten mellem deltagerne i den Nordatlantiske Traktat vedrørende status for deres styrker, skal behandles i overensstemmelse med bestemmelserne i denne overenskomst.
4. Den danske regering påtager sig jurisdiktion og ansvar for ethvert erstatningskrav, der ikke er omfattet af ovenfor citerede paragraf 3, for skader, som på enhver måde følger helt eller delvis af handlinger eller undladelser (eller påståede handlinger eller undladelser) af den skadelidte, den danske regering (inklusive Grønlands landsstyre) eller

trejdepart, og som sker efter udskillelsen af Dundas-halvøen. Intet heri skal på nogen måde fortolkes som en begrænsning i, eller på anden måde indvirke på, anvendeligheden af overenskomsten mellem deltagerne i den Nordatlantiske Traktat vedrørende status for deres styrker for så vidt angår erstatningskrav.

5. De ovennævnte paragraffer i denne artikel finder ikke anvendelse på kontraktlige krav over for De Forenede Staters regering.

Artikel III

1. Med mindre andet måtte være aftalt i det Permanente Udvalg, må der ikke ske bosættelse af personer eller opføres permanente bygninger i Dundas i tre år fra datoen for noteudvekslingen vedrørende udskillelsen af Dundas fra forsvarsområdet ved Thule. Dette udelukker ikke istandsættelser, som ikke ændrer den oprindelige størrelse og grundlæggende karakter af eksisterende bygninger. For en yderligere periode på tre år vil de amerikanske myndigheder blive konsulteret senest 6 måneder forud for ethvert initiativ, der måtte tages, som ville ændre den oprindelige størrelse og grundlæggende karakter af eksisterende bygninger.

Artikel IV

Følgende sikkerhedsforanstaltninger skal træffes vedrørende forsvarsområdet ved Thule:

1. De Forenede Staters myndigheder og de dansk/grønlandske myndigheder vil samarbejde for at sikre, at genetableringen af dansk jurisdiktion og kontrol i Dundas ikke vil bringe sikkerheden på Thule-basen eller forsvarsområdet ved Thule i fare. Dette samarbejde omfatter periodiske fælles trusselsvurderinger af relevante eksperter.
2. De dansk/grønlandske myndigheder påtager sig at sikre den nødvendige overvågning af Dundas, inklusive – om nødvendigt – ved at politistyrker med kort varsel støtter det lokale politi. De dansk/grønlandske myndigheder skal sikre regelmæssig patruljering i og overvågning af Dundas og – såfremt det er hensigtsmæssig og for et begrænset tidsrum - relevant kontrol af indkommende fly og passagerer.
3. Dansk/grønlandske myndigheder skal sikre, at personer, der ikke har fast bopæl i Qaanaaq kommune, ikke får tilladelse til at opholde sig permanent i Dundas, og at sådanne personer ikke får adgang til forsvarsområdet ved Thule fra Dundas uden tilladelse fra kompetente amerikanske myndigheder på Thule-basen.
4. Konsultationer og udveksling af informationer vedrørende forhold angående Dundas, som måtte have betydning for sikkerheden på Thule-basen, vil blive behandlet i det Permanente Udvalg.

Artikel V

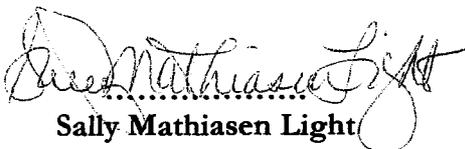
Det Permanente Udvalg skal overvåge gennemførelsen af dette Aftalememorandum.

Artikel VI

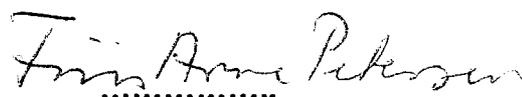
1. Enhver uoverensstemmelse vedrørende fortolkningen eller anvendelsen af dette Aftalememorandum skal afgøres ved konsultationer mellem parterne.
2. Dette Aftalememorandum skal træde i kraft på datoen for underskrivelsen og skal forblive i kraft i samme periode som 1951-aftalen. Denne aftale kan ændres til enhver tid ved fælles skriftlig overenskomst mellem parterne.

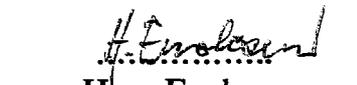
Til bekræftelse heraf har undertegnede repræsentanter underskrevet nærværende Aftalememorandum. Udfærdiget i Nuuk den tyvende februar 2003, i to eksemplarer på dansk og engelsk, begge tekster af lige gyldighed.

**For Amerikas Forenede
Staters regering**


.....
Sally Mathiasen Light

**For Kongeriget Danmarks regering
(inklusive Grønlands landsstyre)**


.....
Friis Arne Petersen
For Danmarks regering


.....
Hans Enoksen
For Grønlands landsstyre