

DEFENSE

**Agreement Between the
UNITED STATES OF AMERICA
and the REPUBLIC OF KOREA**

Effectuated by Exchange of Notes at
Seoul February 10 and April 2, 1952



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.”

REPUBLIC OF KOREA

Defense

*Agreement effected by exchange of notes
at Seoul February 10 and April 2, 2012;
Entered into force April 2, 2012.*

No. 025

The Embassy of the United States of America presents compliments to the Ministry of Foreign Affairs and Trade of the Republic of Korea and has the honor to refer to the United States requirement that the Government of the Republic of Korea provide adequate end-use, retransfer and security assurances before the Government of the United States of America may consent to another government's request to retransfer U.S. sold or granted defense articles, related training or other defense services (including all associated components and technical data) to the Government of the Republic of Korea. In order to expedite certain retransfers of U.S. sold or granted defense articles, related training or other defense services (including all associated components and technical data) to the Government of the Republic of Korea, the Government of the United States of America proposes that the Government of the Republic of Korea agree to the following terms, which shall apply to any U.S. sold or granted defense articles, related training or other defense services (including all associated components and technical data) for which the Government of the United States of America has granted consent to retransfer from the recipient government to the Government of the Republic of Korea:

(A) The Government of the Republic of Korea shall not, unless prior written consent of the Government of the United States of America has first been obtained:

- (I) Permit any use by anyone not an officer, employee, or agent of the Government of the Republic of Korea of such defense articles, related training or other defense services (including all associated components and technical data);
- (II) Transfer, or permit any officer, employee, or agent of the Government of the Republic of Korea to transfer, such defense articles, related training or other defense services (including all associated components and technical data) by gift, sale or otherwise; or
- (III) Use, or permit the use of, such defense articles, related training or other defense services (including all associated components and technical data) for purposes other than those for which provided.

(B) The Government of the Republic of Korea will maintain the security of such defense articles, related training or other defense services (including all associated components and technical data) and will provide substantially the same degree of security protection afforded to such defense articles, related training or other defense services (including all associated components and technical data) by the Government of the United States of America. The Embassy proposes that if the foregoing is acceptable to the Government of the Republic of Korea, this note, together with the Ministry's reply, shall constitute an agreement between the two governments (a Third Party

Transfer Blanket Assurance agreement) which shall enter into force on the date of the Ministry's reply.

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

The Embassy of the United States of America,
Seoul, February 10, 2012





MINISTRY OF FOREIGN AFFAIRS AND TRADE
REPUBLIC OF KOREA

ODK - 1701

The Ministry of Foreign Affairs and Trade of the Republic of Korea presents its compliments to the Embassy of the United States of America and has the honor to confirm that the proposals set forth in the Embassy's note No. 025, dated 10 February 2012, are acceptable to the Government of the Republic of Korea and that the Embassy's note and this note in reply shall constitute an Agreement between the two Governments which shall enter into force on this date.

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

April 2, 2012

