

DEFENSE

**Agreement Between the
UNITED STATES OF AMERICA
and SUPREME HEADQUARTERS ALLIED
POWERS EUROPE**

Effected by Exchange of Letters at Casteau
October 18, 2019 and January 2, 2020

Entered into force January 2, 2020



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.”

UNITED STATES MISSION
TO THE
NORTH ATLANTIC TREATY ORGANIZATION



October 18, 2019

Gen. Tod D. Wolters
Supreme Allied Commander Europe
Supreme Headquarters Allied Powers Europe (SHAPE)

Dear General Wolters:

I have the honor to refer to recent discussions between representatives of the Government of the United States of America and the Supreme Headquarters Allied Powers Europe regarding the establishment and operation of Joint Force Command Norfolk, Virginia (hereinafter "JFCNF").

Considering that the general relations between the parties to the North Atlantic Treaty and the several Allied Headquarters that may be established in the territories of the parties to the North Atlantic Treaty have been defined in the Protocol on the status of international military headquarters (IMHQ) set up pursuant to the North Atlantic Treaty, signed at Paris August 28, 1952, which entered into force April 10, 1954 (hereinafter "the Paris Protocol"); and recognizing that the North Atlantic Council activated JFCNF as a North Atlantic Treaty Organization (NATO) military body with IMHQ status pursuant to the Paris Protocol on July 26, 2019; and further recognizing the following Agreements:

- the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London June 19, 1951 (hereinafter "the NATO SOFA");
- the Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces, and its additional Protocol, signed at Brussels June 19, 1995 (hereinafter "the PfP SOFA"), and its additional Protocols, as applicable;

I have the honor to propose on behalf of the United States an agreement between the Government of the United States of America and the Supreme Headquarters Allied Powers Europe (hereinafter collectively referred to as "the Parties") in order to implement, interpret, and apply the entirety of the Paris Protocol to JFCNF, in the territory of the United States of America (hereinafter "United States" or "U.S.") and to any necessary headquarters or specific structure immediately subordinate to the JFCNF, which is to be established in the territory of the Continental United States, understanding that further agreements or arrangements may be concluded to support the operation of JFCNF:

1. "SHAPE" means Supreme Headquarters Allied Powers Europe, a Supreme Headquarters as per Article 1(b) of the Paris Protocol and set up pursuant to the North Atlantic Treaty.
2. "HQ JFCNF" means the Headquarters of Joint Force Command – Norfolk, Virginia, a NATO Military Body with IMHQ status under the Paris Protocol that is part of the NATO Force Structure.

3. "Commander JFCNF" means the Commander of the JFCNF as defined by NATO.
4. "Subordinate Headquarters" means the headquarters of any international commander immediately subordinate to Commander JFCNF, which is located in the territory of the Continental United States.
5. The expressions "force," "civilian component," and "dependent" shall have the same meanings as set out in Article 3 of the Paris Protocol.
6. Article 2 of the Paris Protocol applies to HQ JFCNF and to the military and civilian personnel of HQ JFCNF and their dependents.
7. The powers vested in SHAPE as enumerated in Articles 10 and 11 of the Paris Protocol may be exercised by HQ JFCNF, when duly authorized by SHAPE. Commander JFCNF, or any agent officially designated, may act on behalf of HQ JFCNF pursuant to the authorities provided by the HQ JFCNF constituents.
8. Any right of SHAPE and HQ JFCNF to acquire or dispose of interests in land in the United States shall be exercised only after consultation with appropriate representatives of the U.S. Government.
9. In accordance with Article IX, paragraph 5, of the NATO SOFA, the United States shall make available to members of a force or civilian component, and their dependents, medical and dental care, including hospitalization, under the same conditions as such care is made available to comparable personnel of the United States.
10. In accordance with Article 8, paragraph 2, of the Paris Protocol, and Article XI, paragraph 4, of the NATO SOFA, it is agreed that the United States shall permit the importation, free of duty, by HQ JFCNF of reasonable quantities of supplies, provisions, and other goods for the exclusive use of HQ JFCNF, Subordinate Headquarters, SHAPE, members of the force, members of the civilian component, and their dependents. In connection with such importation, HQ JFCNF shall comply with such procedures as may be mutually agreed or determined between Commander, HQ JFCNF, and the appropriate representative of the U.S. Government.
11. HQ JFCNF and the appropriate representative of the U.S. Government shall make arrangements to give effect to the provision in Article 8 of the Paris Protocol that HQ JFCNF, SHAPE when acting in relation to JFCNF, and any Subordinate Headquarters shall be relieved, as far as practicable, from duties and taxes affecting expenditures by them in the interest of common defense and for their official and exclusive benefit.
12. In accordance with Article 3, paragraph 2, of the Paris Protocol, and Article IX, paragraph 3, of the NATO SOFA, the United States shall make available to HQ JFCNF and Subordinate Headquarters such buildings and grounds owned by the United States as may be agreed upon as well as facilities and services connected therewith. Terms regarding the buildings and grounds, and any fixed facilities installed therein, shall be addressed in a separate arrangement but they shall be made available at no cost to HQ JFCNF or Subordinate Headquarters as long as title thereto shall remain vested in the United States. If, at the request of either of the Parties and by agreement between them, the location of HQ JFCNF and Subordinate Headquarters should be changed, HQ JFCNF and Subordinate Headquarters shall return these buildings, grounds, and fixed installations unencumbered to the United States within a reasonable time.
13. All other facilities and services that may be required shall be made available at a rate no less favorable than the rate at which similar facilities and services are charged to other U.S.

activities by the agency of the United States furnishing such facilities and services.

14. This Agreement may be amended at any time at the request of one of the Parties and by agreement between them.

If the foregoing proposals are acceptable to SHAPE, I have the honor to propose that this letter and your affirmative letter in reply shall constitute an agreement between the Government of the United States of America and SHAPE, which shall enter into force on the date of your letter in reply, and which shall remain in force for such time as HQ JFCNF is located in the territory of the Continental United States.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kay Bailey Hutchison". The signature is written in dark ink and is positioned above the printed name and title.

Kay Bailey Hutchison
Ambassador



**SUPREME ALLIED COMMANDER
EUROPE**



**COMMANDANT SUPRÊME DES FORCES ALLIÉES
EN EUROPE**

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TO: Ambassador Kay Bailey Hutchison
United States Mission to the North Atlantic Treaty Organization
Boulevard Leopold III
1110 Brussels

SUBJECT: **EXCHANGE OF LETTERS FOR THE ESTABLISHMENT AND
OPERATION OF JOINT FORCE COMMAND NORFOLK**

REFERENCE: Letter dated 18 October 2019 Regarding the Establishment and Operation
of Joint Force Command Norfolk.

We have the honor to acknowledge receipt of your letter dated 18 October 2019 regarding the establishment and operation of Joint Force Command Norfolk, Virginia, which reads as follows:

"Considering that the general relations between the parties to the North Atlantic Treaty and the several Allied Headquarters that may be established in the territories of the parties to the North Atlantic Treaty have been defined in the Protocol on the status of international military headquarters (IMHQ) set up pursuant to the North Atlantic Treaty, signed at Paris August 28, 1952, which entered into force April 10, 1954 (hereinafter "the Paris Protocol"); and recognizing that the North Atlantic Council activated JFCNF as a North Atlantic Treaty Organization (NATO) military body with IMHQ status pursuant to the Paris Protocol on July 26, 2019; and further recognizing the following Agreements:

- the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London June 19, 1951 (hereinafter "the NATO SOFA");*
- the Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces, and its additional Protocol, signed at Brussels June 19, 1995 (hereinafter "the PfP SOFA"), and its additional Protocols, as applicable;*

I have the honor to propose on behalf of the United States an agreement between the Government of the United States of America and the Supreme Headquarters Allied Powers Europe (hereinafter collectively referred to as "the Parties") in order to implement, interpret, and apply the entirety of the Paris Protocol to JFCNF, in the territory of the United States of America (hereinafter "United States" or "U.S.") and to any necessary headquarters or specific structure immediately subordinate to the JFCNF, which is to be established in the territory of the Continental United States, understanding that further agreements or arrangements may be concluded to support the operation of JFCNF:

1. "SHAPE" means Supreme Headquarters Allied Powers Europe, a Supreme Headquarters as per Article I(b) of the Paris Protocol and set up pursuant to the North Atlantic Treaty.
2. "HQ JFCNF" means the Headquarters of Joint Force Command - Norfolk, Virginia, a NATO Military Body with IMHQ status under the Paris Protocol that is part of the NATO Force Structure.
3. "Commander JFCNF" means the Commander of the JFCNF as defined by NATO.
4. "Subordinate Headquarters" means the headquarters of any international commander immediately subordinate to Commander JFCNF, which is located in the territory of the Continental United States.
5. The expressions "force," "civilian component," and "dependent" shall have the same meanings as set out in Article 3 of the Paris Protocol.
6. Article 2 of the Paris Protocol applies to HQ JFCNF and to the military and civilian personnel of HQ JFCNF and their dependents.
7. The powers vested in SHAPE as enumerated in Articles 10 and 11 of the Paris Protocol may be exercised by HQ JFCNF, when duly authorized by SHAPE. Commander JFCNF, or any agent officially designated, may act on behalf of HQ JFCNF pursuant to the authorities provided by the HQ JFCNF constituents.
8. Any right of SHAPE and HQ JFCNF to acquire or dispose of interests in land in the United States shall be exercised only after consultation with appropriate representatives of the U.S. Government.
9. In accordance with Article IX, paragraph 5, of the NATO SOFA, the United States shall make available to members of a force or civilian component, and their dependents, medical and dental care, including hospitalization, under the same conditions as such care is made available to comparable personnel of the United States.
10. In accordance with Article 8, paragraph 2, of the Paris Protocol, and Article XI, paragraph 4, of the NATO SOFA, it is agreed that the United States shall permit the importation, free of duty, by HQ JFCNF of reasonable quantities of supplies, provisions, and other goods for the exclusive use of HQ JFCNF, Subordinate Headquarters, SHAPE, members of the force, members of the civilian component, and their dependents. In connection with such importation, HQ JFCNF shall comply with such procedures as may be mutually agreed or determined between Commander, HQ JFCNF, and the appropriate representative of the U.S. Government.
11. HQ JFCNF and the appropriate representative of the U.S. Government shall make arrangements to give effect to the provision in Article 8 of the Paris Protocol that HQ JFCNF, SHAPE when acting in relation to JFCNF, and any Subordinate Headquarters shall be relieved, as far as practicable, from duties and taxes affecting expenditures by them in the interest of common defense and for their official and exclusive benefit.
12. In accordance with Article 3, paragraph 2, of the Paris Protocol, and Article IX, paragraph 3, of the NATO SOFA, the United States shall make available to HQ JFCNF and Subordinate Headquarters such buildings and grounds owned by the United States as may be agreed upon as well as facilities and services connected therewith. Terms regarding the buildings and grounds, and any fixed facilities installed therein, shall be

addressed in a separate arrangement but they shall be made available at no cost to HQ JFCNF or Subordinate Headquarters as long as title thereto shall remain vested in the United States. If, at the request of either of the Parties and by agreement between them, the location of HQ JFCNF and Subordinate Headquarters should be changed, HQ JFCNF and Subordinate Headquarters shall return these buildings, grounds, and fixed installations unencumbered to the United States within a reasonable time.

13. All other facilities and services that may be required shall be made available at a rate no less favourable than the rate at which similar facilities and services are charged to other U.S. activities by the agency of the United States furnishing such facilities and services.

14. This Agreement may be amended at any time at the request of one of the Parties and by agreement between them.

If the foregoing proposals are acceptable to SHAPE, I have the honor to propose that this letter and your affirmative letter in reply shall constitute an agreement between the Government of the United States of America and SHAPE, which shall enter into force on the date of your letter in reply, and which shall remain in force for such time as HQ JFCNF is located in the territory of the Continental United States."

We are pleased to inform you of SHAPE's acceptance of the proposal outlined in your letter, which, together with this reply, constitutes an agreement between the Government of the United States of America and SHAPE, which enters into force immediately.

Please note that the POC in this matter is Mr Jan Bartels, Deputy Director of the ACO Office of Legal Affairs at email: jan.bartels@shape.nato.int.



Tod D. Wolters
General, U.S. Air Force

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