

PART VI

AGREEMENT 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

(hereinafter referred to as the Status of Forces Agreement).

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

* This document was signed on February 23, 1967 by both Governments and approved by the Republic of Korea National Assembly on March 3, 1967. Notification of approval by the Government of the Republic of Korea was furnished on March 10, 1967.

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.

2. Any employee organization or employees shall have the right of further collective action in the event a labor dispute is not resolved by the foregoing procedures except in cases where the Joint Committee determines such action seriously hampers military operations of the United States armed forces for the joint defense of the Republic of Korea. In the event an agreement cannot be reached on this question in the Joint Committee, it 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 VII

Employees and members of the Republic of Korea Army serving with the Korean Service Corps shall be considered part of the United States armed forces for the purposes of claims arising out of acts or omissions done in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces are legally responsible. Such claims shall be settled in accordance with applicable provisions in Article XXIII of the Status of Forces Agreement.

ARTICLE VIII

The United States armed forces on behalf of the Government of the Republic of Korea will withhold from the pay of employees, and pay over to the Government of the Republic of Korea, any withholdings required by the income tax legislation of the Republic of Korea.

ARTICLE IX

The Joint Committee shall be utilized as the means for consultation between the Government of the United States and the

Government of the Republic of Korea on all matters requiring mutual consultation regarding the implementation of this Agreement except where otherwise provided.

ARTICLE X

1. In the event of a national emergency, such as war, hostilities, or situations where war or hostilities may be imminent, the application of this Agreement may be limited in accordance with emergency measures taken by the Government of the Republic of Korea in consultation with the military authorities of the United States.

2. Should the Republic of Korea adopt measures allocating labor, the United States armed forces shall be accorded allocation privileges for the Korean Service Corps no less favorable than those enjoyed by the armed forces of the Republic of Korea. In the event of a national emergency, such as war, hostilities, or situations where war or hostilities may be imminent, Korean Service Corps employees shall, upon request of the United States armed forces, be deferred through mutual consultation with the Republic of Korea from military service or other compulsory service.

ARTICLE XI

The undertaking of the Government of the United States to conform to the provisions of labor legislation of the Republic of Korea does not imply any waiver by the Government of the United States of its immunities under international law. The Government of the United States may require termination of the services of an employee whenever such services are considered to be inconsistent with the military requirements of the United States armed forces.

ARTICLE XII

This Agreement shall enter into force on the date of a written notification from the Government of the Republic of Korea to

the Government of the United States that it has approved the Agreement in accordance with its legal procedures.

ARTICLE XIII

Each Government may at any time request the revision of any portion of this Agreement, in which case the two Govern-

ments shall enter into negotiations through appropriate channels.

ARTICLE XIV

This Agreement, and any agreed revisions thereof, shall remain in force while the Status of Forces Agreement remains in force unless terminated earlier by agreement between the two Governments.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate, in the English and Korean languages. Both texts shall have equal authenticity.

DONE at Seoul this Twenty-third day of February 1967.

For the United States of America

/s/ WINTHROP G. BROWN

For the Republic of Korea

/s/ IL KWON CHUNG

**AGREED UNDERSTANDINGS TO THE AGREEMENT BETWEEN THE
UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA
REGARDING THE STATUS OF THE KOREAN SERVICE CORPS**

ARTICLE III

It is agreed that the United States will bear without cost to the Republic of Korea expenditures incident to the maintenance and administration of the Korean Service Corps and its employees who perform labor services for the United States armed forces.

ARTICLE III AND ARTICLE X

Both the United States and Republic of Korea Governments agree that the word "provide" in the first sentence of Article III means "recruit" in peacetime and "provide" labor force to the United States armed forces in an emergency on the basis of paragraph 2 of Article X. In the event of a national emergency, such as war, hostilities, or situations where war or hostilities may be imminent, both Governments will take full cognizance of the importance of the role of the Korean Service Corps in the defense of the Republic of Korea. The United States and the Republic of Korea agree that emergency measures taken by the Government of the Republic of Korea under Article X will include effective measures to retain for continued service for the period applicable those employees who are serving with the Korean Service Corps at the time of onset

of an emergency and who are eligible for mobilization; and to replace those employees not eligible for mobilization, except those who volunteer to continue the service, with personnel mobilized under the Wartime Mobilization Law or similar legislation of the Republic of Korea.

ARTICLE IV

It is understood that the deviation from Korean labor legislation need not be referred to the Joint Committee in cases when such referral would seriously hamper military operations in an emergency.

ARTICLE VI

Paragraph 2

In determining whether further collective action by any employee organization or employees would seriously hamper military operations of the United States armed forces, the Joint Committee will give primary consideration to the combat support mission of the Korean Service Corps and the importance of the discharge of that mission to the military operations of the United States armed forces in the joint defense of the Republic of Korea.

Seoul, February 23, 1967

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W.G.B.

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I.K.C.