PART III. DOCUMENTS
Cmd. 7868

Agreement Relative to the Status of Members of the Armed Forces of the Brussels Treaty Powers

His Royal Highness the Prince Regent of Belgium, the President of the French Republic, President of the French Union, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas,

Desiring to define the conditions applicable to armed forces of any one of them stationed in the territory of any other of them in conformity with the Treaty signed at Brussels the 17th March, 1948 hereinafter referred to as the Brussels Treaty,

Have appointed as their Plenipotentiaries:

[Names omitted],

who, having exhibited their full powers found in good and due form, have agreed as follows:—

Article 1
Definitions

In this Agreement the expression—

(a) "foreign force" means an armed force maintained by a Contracting Party in the execution of duties under the Brussels Treaty situated in the territory of another Contracting Party;

(b) "sending State" means the Party maintaining the force; and

(c) "receiving State" means the Party in the territory of which the force is stationed or through which it is passing in transit;

(d) "members of a foreign force" means members of that force travelling or resident in the execution of their duties under the Brussels Treaty in the territory of a Contracting Party other than the "sending State."

1 Cmd. 7868. This was the basis for the original United States draft of the NATO Status of Forces Agreement: D-D(51) 23 (23 January 1951).

2 Treaty Series No. 1 (1949), Cmd. 7599.
Article 2

1. For the purposes of this Agreement, the members of an armed force are classified as follows:

(i) Personnel on permanent duty;
(ii) Personnel on temporary duty;
(iii) Regularly constituted units or formations.

2. The nominal roll of personnel in category (i) above shall be kept up to date by the Secretariat-General of the Brussels Treaty Defence Organisation and forwarded to the representatives on the Permanent Commission of the Brussels Treaty for transmission to their Governments.

Article 3

1. On the conditions specified in paragraph 2, the "members of a foreign force" shall be exempt from passport and visa regulations on entering or leaving the territory of any of the Contracting Parties. They shall also be exempt from the regulations on the registration and control of aliens.

2. The following documents only will be required in respect of "members of a foreign force." They must be presented on demand:

(i) Personnel on permanent duty—
   (a) Officers: Tri-lingual identity card.
      (As in Appendix A.)
   (b) N.C.O.'s and Other Ranks:
      Personal service identity card;
      Individual tri-lingual Movement Order.
      (As in Appendix B.)
(ii) Personnel on temporary duty—
   Personal service identity card;
   Individual tri-lingual Movement Order.
   (As in Appendix B.)
(iii) Regularly constituted units or formations—
   Personal service identity card;
   Collective tri-lingual Movement Order.
   (As in Appendix C.)

Tri-lingual identity cards will be made out and issued to officers on permanent duty by the Secretariat-General of the Brussels Treaty Defence Organisation.

Individual tri-lingual Movement Orders will be filled in and issued by the Service Ministries of the "sending State."

Collective tri-lingual Movement Orders will be filled in and issued by Service Ministries of the "sending State" and counter-signed by
the representative of the Service Minister concerned of the “receiving State” or, if necessary, “receiving States.”

**Article 4**

The “receiving State,” during the period before the provisions of the Convention on Road Traffic signed at Geneva, the 19th September, 1949, relating to driving licences or permits come into force so far as it is concerned, will either—

(a) accept as valid without a driving test the driving licences or military driving permits issued by the “sending State”; or

(b) issue its own licence to any “member of a foreign force” who holds a driving licence or military permit issued by the “sending State” without requiring him to undergo a driving test. Unless he holds an international driving permit, the statutory fee will be payable.

After this period the “receiving State” will follow alternative (a) above exclusively.

**Article 5**

1. The “members of a foreign force” will wear uniform.

They may, however, wear civilian dress; the regulations governing the wearing of civilian dress will be those in force in the “receiving State” for its own forces.

Regularly constituted units or formations of a “foreign force” must be in uniform when crossing a frontier.

2. Military vehicles shall carry, in addition to their registration number, a distinctive nationality mark, the form of which shall be agreed by the Military Committee of the Defence Organisation of the Brussels Treaty.

**Article 6**

1. The possession and carrying of arms by “members of a foreign force” shall be subject to the same laws and regulations as are applied to the forces of the “receiving State.”

2. “Members of a foreign force” in transit may carry arms, on condition that this is authorised by their Movement Orders, and that the weapons are unloaded and are carried in the regulation manner.

3. In any case, officers of a “foreign force” are always authorised to retain possession of their regulation personal weapons.

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3 UST 3008; TIAS 2487; 125 UNTS 22.
1. It is the duty of "members of a foreign force" to respect the laws in force of the "receiving State" and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity.

2. "Members of a foreign force" who commit an offence in the "receiving State" against the laws in force in that State can be prosecuted in the courts of the "receiving State."

When the act is also an offence against the law of the "sending State," the authorities of the "receiving State" will examine with the greatest sympathy any request, received before the court has declared its verdict, for the transfer of the accused for trial before the courts of the "sending State."

Where a "member of a foreign force" commits an offence against the security of, or involving disloyalty to, the "sending State" or an offence against its property, or an offence against a member of the force to which he belongs, the authorities of the "receiving State" where the offence was committed will prosecute only if they consider that special considerations require them to do so.

The competent military authorities of the "foreign force" shall have, within the "receiving State," any jurisdiction conferred upon them by the law of the "sending State" in relation to an offence committed by a member of their own armed forces.

3. In all cases where a "member of a foreign force" commits on the territory of the "receiving State" an offence either against the law of the "receiving State" or against the law of the "sending State," the authorities of both States will assist each other in the collection of evidence and the carrying out of all necessary investigations, including the seizure, and in proper cases the handing over of exhibits and of objects connected with the offence.

The handing over of the exhibits and of the objects seized may, however, be made subject to their return within the time specified by the authority delivering them.

4. Where the authorities of the "receiving State" consider that, in respect of an offence committed in the "receiving State" by a "member of a foreign force," the necessities of the investigation, trial and execution of sentence require the imprisonment of the offender, the authorities of the "foreign force" will assist in making the arrest, if the offender can be found and arrested in the territory of the "receiving State."

The authorities of the "receiving State" will, in the same way, furnish every facility for the tracing and arrest of "members of a
foreign force” wanted by the “sending State” in respect of an offence committed in the “receiving State.” These authorities will, as soon as possible, hand over on their own territory to the “sending State” any “member of a foreign force” so arrested. They will also hand over to the “sending State” any “member of a foreign force” whom they may have imprisoned on a charge against their laws but whom they have decided not to prosecute.

5. (a) A “foreign force” shall have, in the conditions and within the limits defined in (b) and (d) below, the right to police any camps, establishments or other premises (hereinafter referred to under the general term “camp”) which they have occupied as a result of an agreement with the “receiving State.”

(b) The military police of the “foreign force” may take all appropriate measures to ensure the maintenance of order in such camps. They shall hand over to the police of the “receiving State,” without delay, any person caught in the act of committing or about to commit or just having committed an offence against the laws of the “receiving State.”

(c) The police of the “receiving State” may enter any camp for the purpose of arresting any person who is suspected of being guilty of an offence against the laws of the “receiving State.”

(d) The military police of a “foreign force” may only be employed outside its camps at the request of the authorities of the “receiving State” and in liaison with those authorities and in so far as such employment is necessary to maintain order and discipline among the members of the force. The “foreign force” shall comply with any such request.

**Article 8**

1. Subject to paragraph 2 of this Article, each Contracting Party will be responsible for paying compensation for damage to third parties, caused in its territory by armed forces which are present there as a consequence of the Brussels Treaty in all cases where there would be a right to compensation if the damage had been caused by its own armed forces.

Subject to paragraph 6 below, claims by third parties in respect of this damage will be filed and considered, and decisions will be taken thereon, in accordance with the laws and regulations applicable in the “receiving State” to claims for damage caused by its own armed forces. If these claims are not settled by agreement, they shall be decided by the tribunals of the “receiving State,” who are com-
petent in case of damage caused by its own armed forces and in that case the Government of the “receiving State” will ensure the defence against the claims.

2. The provisions of this Article do not apply to:

(a) Maritime salvage claims against a vessel used in connection with the Brussels Treaty or claims against such a vessel for damage caused by collision. These claims will be brought against the authorities of the Party to whom the vessel belongs.

(b) Any damage suffered (i) to his person by a “member of an armed force” of any Party, while on duty, or (ii) by any property belonging to the State and used by Service Ministries (Navy, Army, Air Force) of any Party or its forces. In both these cases no claim shall lie against the State to whose forces the person responsible for the damage belongs.

3. Subject to paragraph 4 of this Article, the cost of satisfying the claims referred to in paragraph 1 will be, at such intervals as may be agreed, distributed between the Parties in proportions which shall be provisionally, in default of subsequent agreement to the contrary, as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>50</td>
</tr>
<tr>
<td>France</td>
<td>25</td>
</tr>
<tr>
<td>Belgium-Netherlands-Luxembourg</td>
<td>25</td>
</tr>
</tbody>
</table>

4. The State on whose territory the damage has been caused will have no claim to contributions under paragraph 3 in respect of the cost of damage for which its own forces are exclusively responsible.

5. The Chiefs-of-Staff Committee of the Brussels Treaty Defence Organisation will decide in case of doubt whether the provisions of paragraph 4 are applicable in any particular case.

6. In the case of damage to State property (not excluded by paragraph 2 above and not covered by paragraph 4 above), the amount of the damage will be assessed by an arbitrator nominated by the “receiving State,” after consultation with the other Parties, and chosen from amongst its own nationals who hold or who have held high judicial office and will be distributed in accordance with paragraph 3 above.

This paragraph does not apply if the amount of the damage is less than:

<table>
<thead>
<tr>
<th>Country</th>
<th>Unit</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luxembourg</td>
<td>B.fr.</td>
<td>70,000</td>
</tr>
<tr>
<td>Belgium</td>
<td>F.fr.</td>
<td>490,000</td>
</tr>
<tr>
<td>France</td>
<td>L.fr.</td>
<td>70,000</td>
</tr>
<tr>
<td>Netherlands</td>
<td>fl.</td>
<td>5,320</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>£</td>
<td>500</td>
</tr>
</tbody>
</table>

In the case of considerable variation in the rates of exchange be-
tween these currencies the Contracting Parties shall, by exchange of letters, agree on the appropriate adjustments of these amounts.

7. Claims arising out of contracts concluded by “members of a foreign force” in the course of their duties are excluded from the operation of the preceding provisions of this Article. They shall be dealt with by the authorities of the “foreign force” and the courts of the “receiving State” shall have jurisdiction in regard thereto if they cannot otherwise be settled.

**Article 9**

1. Claims (other than contractual claims) against “members of a foreign force” arising out of tortious acts or omissions, not relating to the performance of their duties, shall be dealt with in accordance with the following paragraphs of this Article.

2. The Government of the “receiving State” will consider the claim and assess the compensation in a just and fair manner, taking into account all the circumstances of the case, including the conduct of the injured person, and will prepare a report on the matter. This report will then be delivered to the authorities of the “sending State,” who will then decide without delay whether they will offer an *ex gratia* payment and, if so, of what amount. If these authorities decide to offer an *ex gratia* payment, they will offer to settle the claim by making this payment themselves. If this offer is accepted, they will inform the “receiving State” of their decision and of the sum paid.

3. Nothing in the preceding paragraphs of this Article shall affect the jurisdiction of the courts of the “receiving State” to entertain the claims to which this Article relates brought against “members of a foreign force.”

**Article 10**

If any question arises whether a tortious act or an omission of a “member of a foreign force” relates to the performance of his duties, the question shall be submitted to the arbitrator referred to in paragraph 6 of Article 8, whose decision on this point shall be final and conclusive in any court before which the claim for compensation may be brought. The arbitrator shall be furnished with all the information necessary to enable him to render a decision judicially.

**Article 11**

1. “Members of a foreign force” may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as the nationals of the “receiving State.”
2. Goods required for the subsistence of a “foreign force” will normally be purchased through the competent service departments which purchase such goods for the armed forces of the “receiving State.” In order to avoid such purchases having any adverse effect on the economy of the “receiving State,” the competent authorities of this State will indicate, when necessary, any articles the purchase of which should be restricted or entirely forbidden.

3. After agreement between the military authorities of the “sending” and “receiving States,” the competent military authorities of the “receiving State” will assume sole responsibility for making suitable arrangements to make available to a “foreign force” the buildings and ground which it requires. These agreements and arrangements will be, as far as possible, in accordance with the regulations governing the accommodation and billeting of troops of the “receiving State.” In the absence of a specified contract, the laws of the “receiving State” shall determine the rights, arising out of the occupation, of the owner of the buildings or ground occupied.

4. Civilian labour requirements of a “foreign force” will be satisfied in the same way as those of the military authorities of the “receiving State” and with the assistance of those authorities through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the “receiving State.” Civilian workers employed by a “foreign armed force” shall not be regarded for any purpose as being members of that “force.”

5. When a “foreign force” has at the place where it is stationed inadequate medical or dental facilities, the members of that force may receive medical and dental care, including hospitalisation, under the same conditions as the forces of the “receiving State.”

6. The “receiving State” will give the most favourable consideration to requests for the grant to “members of a foreign force” of travelling facilities on its railways and of concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5, will be made promptly by the military authorities of the “foreign force.”

8. The “foreign force” shall not by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the “receiving State.”
Article 12

1. “Members of a foreign force” shall—
   (a) enjoy exemption from income tax levied in the “receiving State” on any pay or allowances which they receive from the Government of the “sending State.” Such other exemptions from income tax as may be desirable to avoid any appreciable prejudice to “members of a foreign force” by reason of their service abroad, shall be agreed by the Parties and put into force as soon as possible;
   (b) be entitled to temporary exemption from duty and taxes on private motor vehicles imported temporarily for their own personal use. There is no obligation under this Article to grant any exemption from taxes payable in respect of the use of the roads by motor vehicles.

2. For the purpose of the levy of death duties on the estate of a deceased “member of a foreign force,” the fact that he has been present in the “receiving State” shall not be regarded as creating a change of domicile or residence so far as he is concerned, and the tangible movable property of the deceased which is situated on the territory of the “receiving State” only by reason of his service there, shall be considered as not being situated on that territory.

Article 13

1. Save as provided expressly to the contrary in this Agreement, “members of a foreign force” are subject to the laws and regulations administered by the Customs Authorities of the “receiving State.”

   In particular, the Customs Officers will have the right, under the general conditions laid down by the laws and regulations of the “receiving State,” to search “members of a foreign force” and to examine their luggage and vehicles.

2. The entry, departure and use of registered military vehicles shall be authorised free of all tax or duty on presentation of a trip-tyque in the form shown in Appendix D. These vehicles shall also be exempted from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal will not be subject to Customs inspection. Couriers carrying these documents, whatever their rank, must be in possession of an individual Movement Order, issued in accordance with Article 3. This Movement Order will show the number of despatches carried and certify that they contain only official documents.

4. Reasonable quantities of provisions, supplies and other goods,
imported by the authorities of a "foreign force" for the exclusive use of that force, shall be exempt from Customs duties and all other duties and taxes payable on importation. This duty-free importation shall be subject to the deposit, at the Customs Office, together with the Customs documents, of a certificate signed by an Officer authorised for that purpose.

A specimen of this certificate is given in Appendix E. The list of the Officers authorised in each "foreign force" to sign the certificates, as well as specimens of their signatures and the stamps used, shall be sent to the Customs administration of the "receiving State."

Imports made by the authorities of a "foreign force" other than for the exclusive use of their force, and imports effected personally by "members of a foreign force" are not, by reason of this Article, entitled to any exemption from taxes and duties or other conditions.

5. Goods which have been imported duty-free under paragraph 4 above—

(i) can be re-exported to the country of origin of the goods or to the "sending State" provided that a certificate, issued in accordance with paragraph 4 above, is presented to the Customs Office. The Customs Authorities, however, may verify that the goods re-exported are as described in the certificate and have in fact been imported under the conditions of paragraph 4;

(ii) cannot normally be disposed of in the "receiving State" by way of either sale or gift. However, in particular cases, such disposal may be authorised on conditions imposed by the Customs Authorities (for instance on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

6. Goods purchased in the "receiving State" can only be exported therefrom in accordance with the regulations in force in the "receiving State."

7. Special facilities for crossing frontiers shall be granted by the Customs Authorities to regularly constituted units or formations, provided that the Customs Authorities concerned have been duly notified sufficiently in advance.

8. Special arrangements shall be made so that fuel oil and lubricants for use or service in military vehicles, aircraft and vessels, may be delivered free of all duties and taxes.

Article 14

1. The Customs or Fiscal Authorities of the "receiving State" may, as a condition of the grant of any Customs or Fiscal exemption
or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the "receiving State" of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation.

Goods removed from a Customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

**Article 15**

1. In order to prevent offences against Customs and Fiscal Laws and Regulations of a "receiving State," the Customs and Fiscal Authorities of the "receiving State" and the Military Authorities of a "foreign force" will afford each other mutual assistance in the conduct of enquiries and the collection of evidence.

2. The Military Authorities of the "foreign force" will render all assistance within their power to ensure that articles liable to seizure by or on behalf of the Customs or Fiscal Authorities of the "receiving State" are handed to those authorities.

3. "Members of a foreign force" committing offences against the Customs, Foreign Exchange and Fiscal Laws and Regulations of the "receiving State" will be dealt with under the normal rules of the "receiving State," but before any offender is prosecuted in a Court of Law, the facts shall be communicated to the competent military authority of the "foreign force." This authority will render all assistance within its power to ensure the payment of duties, taxes and penalties payable by "members of the foreign force."

4. Military vehicles and articles belonging to a "foreign force" seized in connection with an offence against the Customs and Fiscal Laws and Regulations will be handed over to the appropriate authorities of the "foreign force" concerned.

**Article 16**

1. "Members of a foreign force" remain subject to the Foreign Exchange Regulations of the "sending State," and are also subject to the regulations of the "receiving State."

2. The Foreign Exchange Authorities of the "sending" and the "receiving States" may, however, issue special regulations applicable to a "foreign force."
Article 17

If any Party is involved in war, each of the Contracting Parties shall have the right to suspend immediately the application of any of the provisions of this Agreement so far as its own territory is concerned.

If this right is exercised, the Parties will immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

Article 18

All differences between the Contracting Parties relating to the interpretation or application of the Agreement shall be settled between the Parties and there shall be no recourse to any outside jurisdiction. Except where express provision is made to the contrary in the Agreement, the Parties will make use of the machinery of the Permanent Commission for the settlement of such differences.

Article 19

Any Party may at any time request that a meeting of representatives of all the Parties to this Agreement should be held to consider the revision of any Article of this Agreement. The request for a meeting shall be addressed to the Secretary-General of the Permanent Commission, who shall convene a meeting within three months from the date of the receipt of this request. If at any such meeting agreement is reached on the revision of any provisions of this Agreement, a protocol containing the revised provisions shall be drawn up, and shall come into force as soon as it has been approved by all the Contracting Parties.

Article 20

The present Agreement shall be ratified. The Instruments of Ratification shall be deposited as soon as possible with the Secretary-General of the Permanent Commission. It shall enter into force one month after the receipt of the fifth ratification.

Article 21

1. After the expiry of four years from the entry into force of the Agreement, any Contracting Party may transmit a notice of Denunciation to the Secretary-General of the Permanent Commission. He shall immediately inform all the other Contracting Parties of the receipt of the notice of Denunciation and shall as soon as possible
convoke a conference of all the Contracting Parties to consider the situation. A notice of Denunciation shall take effect one year after the date on which it is deposited, unless it is withdrawn.

2. The present Agreement shall remain in force until notice of Denunciation deposited in accordance with paragraph 1 of this Article has taken effect.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Agreement and have affixed thereto their seals.

Done this 21st day of December, 1949, in English and French, both texts being equally authoritative, in a single copy which will remain deposited in the archives of the Permanent Commission. The Secretary-General of the Permanent Commission shall transmit certified copies of this Agreement to all signatory Governments.

As soon as possible, a text of this Agreement in the Netherlands language will be prepared and as soon as this text has been agreed by all signatory Governments the text in the Netherlands language will also be authoritative.

[There follow the signatures on behalf of Belgium, France, Luxembourg, the Netherlands and the United Kingdom.]

D–D(50) 19

Agreement on the Status of NATO, National Representatives and International Staff—Note by the United Kingdom Deputy (4 August 1950)

1. At their meeting on 25 July 1950, the Council Deputies agreed to set up a subcommittee, consisting of the Representatives of Belgium, France, Italy, Norway, the United Kingdom and the United States of America, to consider the question of the status of NATO Representatives and International Staff.

2. At this meeting it was agreed, as a first step, to invite the Deputies to give an indication of the number of persons likely to be involved. A questionnaire to this effect was circulated accordingly to the Deputies.

3. The Subcommittee has now had a further meeting to consider the replies to this questionnaire. At this meeting it was agreed that, although the number of persons involved was perhaps not very great at the moment, there was every likelihood that an increasing number of individuals would be required to be attached to the different National Delegations in London in the future. Furthermore, an appre-

4 The Appendices referred to in Article 3, par. 2, and in Article 13, par. 2 and 4, have been omitted.
ciable number of persons would no doubt be employed in London in connection with the various "international" sections of the Organization—e.g., the Secretariat, the technical staff attached to the Chairman, the information section, etc. It was also desirable to provide that the Deputies and their staff should be covered as regards immunities, etc., not only while in the United Kingdom but when visiting the other countries concerned. It was therefore agreed that the United Kingdom Representative should propose to the Deputies that the matter be dealt with on the following lines:—

(1) In order to deal with the long-term problem an international agreement should be entered into by the countries which are parties to the North Atlantic Treaty. This would follow the pattern of the agreement already concluded in similar cases—e.g., the General Convention on Immunities and Privileges for the Specialized Agencies of the United Nations. It would define in detail the privileges and immunities to be enjoyed by the Organization itself and by all persons connected with it in the various countries concerned. In this way, it would be possible, as far as the United Kingdom is concerned, to cover not only the Deputies and their immediate staff but the personnel serving as national representatives on bodies such as the Military Production and Supply Board or the Regional Planning Groups, and individuals attached to any "international" staffs which might be established in London. The United Kingdom authorities would be glad to prepare the first draft of such an agreement, the details of which could then be discussed between appropriate representatives of the various Governments. This procedure would, however, inevitably take some little time—all the more so since, before it can be finally put into effect as far as the United Kingdom is concerned, Parliamentary approval would be required.

(2) In the meantime, therefore, and until the proposed agreement comes into force, the Deputies themselves and their immediate personal staff should be notified to the Foreign Office by their respective diplomatic representatives as members of the latters' staffs. This would enable such persons to enjoy full diplomatic privileges and immunities. The only persons to be notified in this way would as a rule be those persons working directly with the Deputy in connection with the work of the Committee of Deputies; and persons working on the other bodies, such as the Defense Financial and Economic Committee or the Regional Groups, would not
normally be included. It is anticipated, therefore, that only a comparatively small number of persons would be involved in respect of each country. As soon as the international agreement came into force, these persons would cease to be “on the diplomatic list.”

(3) In the case of persons other than those covered by paragraph (2) above, who arrive in this country to take up duty in connection with any part of the NATO before the coming into force of the projected international agreement, every effort will be made to ensure that they receive the maximum consideration possible consistent with the regulations in the matter of customs facilities, etc., at the time of their entry into the United Kingdom.

D–D(51) 23

Status of Forces Agreement—Draft Submitted by the United States Deputy (23 January 1951) ¹

Privileges and Immunities of Personnel of the North Atlantic Treaty Nations Subject to Military Law²

Preamble

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949, desiring to establish mutual privileges and immunities for personnel, who are subject to military law, of one member nation on duty in the territory of another member nation:

Have agreed as follows:

Article I

In this Agreement the expression—
(a) “contingent” means military personnel of the sending State and civilian personnel subject to military law of the sending

¹The editor has substituted Roman numerals for Arabic in the enumeration of the Articles of this draft for two reasons: (a) the Articles in the final text, as well as most of the intermediate texts, of this Agreement bear Roman numerals; and (b) the use of Roman numerals makes it easier to distinguish this draft from the corresponding Articles in the Brussels Treaty Status Agreement.

²Reference: MS–R(51) 1–4 (29–31 January 1951); MS(F)–R(51) 2 (13 February 1951); MS(F)–R(51) 4–5 (14–15 February 1951); MS(J)–R(51) 1–2 (8 February 1951).
State maintained by a Contracting Party on duty in the territory of another Contracting Party, except nationals of the receiving State who are not also nationals of the sending State, and persons ordinarily resident in the receiving State who are not nationals of the sending State;

(b) "sending State" means the Party maintaining the contingent;

(c) "receiving State" means the Party in the territory of which the contingent is stationed or through which it is passing in transit; and

(d) "dependent" means the spouse of a member of the contingent or a child of the member depending on him for support.

**Article II**

1. On the conditions specified in paragraph 2 of this Article, and subject to procedures established by the receiving State relating to entry and departure, the members of a contingent shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of any of the Contracting Parties, and shall also be exempt from the regulations on the registration and control of aliens but shall not be considered as acquiring any rights of permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a contingent. They must be presented on demand:

   (a) personal government identity card; and

   (b) individual or collective movement order in the English and French languages, issued by an appropriate agency of the sending State, certifying to the status of the individual as subject to military law, to the contingent of which he is a member, and signed by an appropriate representative of each receiving State.

**Article III**

The receiving State will accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or sub-division thereof to a member of its contingents, or to any of his dependents; or will, to the extent it is bound to the sending State by the provisions of the 1949 Geneva Convention on Road Traffic, apply those provisions in recognition of a driving permit issued by the sending State or sub-division thereof to a member of its contingents and any of his dependents. In lieu of the foregoing, the receiving State or sub-division thereof may issue
to any member of a contingent or any of his dependents, a driving permit or license, providing no driving test or fee is required.

**Article IV**

1. Members of regularly constituted military units and formations will normally wear uniform. They may, however, wear civilian dress; the regulations governing the wearing of civilian dress will be those in force in the receiving State for its own forces. Regularly constituted military units or formations of a contingent must be in uniform when crossing a frontier.

2. Official vehicles shall carry, in addition to their registration number, a distinctive nationality mark.

**Article V**

1. Military members of a contingent may carry arms, on condition that this is authorised by their orders.

2. In any case, military officers of a contingent are always authorised to retain possession of their regulation personal weapons.

**Article VI**

1. It is the duty of members of a contingent to respect the laws of the receiving State and to abstain from any activity inconsistent with the spirit of the present Agreement, and in particular from any political activity in the receiving State.

2. Members of a contingent shall be subject to the exclusive criminal jurisdiction of the sending State when charged with:

   (a) an offence solely against the property of a dependent of the sending State or against the person or property of another member of the contingent of the sending State;

   (b) an offence punishable by the applicable law of the sending State but not by the laws of the receiving State;

   (c) an offence relating to the security of the sending State but not to that of the receiving State. A security offence against a particular State shall include:

   (i) treason against that State;

   (ii) any offence of the nature of sabotage or espionage or against any law relating to official secrets of that State;

   (d) an offence arising out of any act done in the performance of official duty or pursuant to a lawful order issued by the competent authorities of the sending State.

In particular cases, the sending State may waive any immunity
from criminal jurisdiction of the receiving State which the members of its contingent may derive by virtue of this paragraph upon written notice of such waiver delivered to the appropriate authorities of the receiving State as soon as practicable.

3. Except as provided above, a member of a contingent charged with having committed within the territory of a receiving State an offence punishable by the laws thereof and also by the laws of the sending State shall be subject to the jurisdiction of both States, provided that the receiving State shall have the right to exercise jurisdiction in the first instance. If the receiving State decides not to exercise jurisdiction, it shall notify the authorities of the sending State of its decision as soon as practicable. The authorities of the receiving State shall promptly notify the authorities of the sending State of the arrest of any member of a contingent.

4. Whenever a member of a contingent is prosecuted in the courts of the receiving State he shall be entitled:

(a) To a speedy and public trial;
(b) To be informed in advance of trial of the specific charge or charges made against him;
(c) To be confronted with the witnesses against him;
(d) To have compulsory process for obtaining witnesses in his favour;
(e) To defence by a qualified advocate or counsel of his own choice, or failing such a choice, the court shall appoint a qualified advocate or counsel to conduct his defence;
(f) If he considers it necessary, to the services of a competent interpreter;
(g) To have a representative of his government present at any stage of the detention and trial by the receiving State.

5. Subject to the provisions of this convention, the military authorities of the sending State shall have the right to exercise within the receiving State all jurisdiction and control conferred on them by the laws of the sending State over all members of their contingents.

6. Members of a contingent shall be immune from the civil jurisdiction of the receiving State in matters arising from the performance of their official duties, provided that in particular cases such immunity may be waived by the sending State.

7. Upon the request of the sending State, the receiving State agrees to seek such legislation as the military authorities of both States agree is necessary to insure the adequate security and protection within its territory of installations, equipment, property, records, and official information of any other Contracting Party and the
punishment of persons who may contravene such laws or regulations enacted for that purpose.

8. The authorities of the receiving and sending States will assist each other in the arrest and handing over of offenders, the collection of evidence and the carrying out of all necessary investigations, including the seizure and in proper cases the handing over of exhibits and all objects connected with the offence.

9. Regularly constituted military units or formations shall have the right to police any camps, establishments or other premises which they have occupied as a result of an agreement with the receiving State, under the following conditions:

(a) The military police of the regularly constituted military units or formations may take all appropriate measures to ensure the maintenance of order in such installations.

(b) Employment of the military police of a regularly constituted unit or formation outside its installation will be subject to arrangement with the authorities of the receiving State and in liaison with those authorities where such employment is necessary to maintain discipline and order among the members of such regularly constituted units or formations.

10. Notwithstanding the foregoing provisions, it is mutually agreed that in time of hostilities in the North Atlantic area the sending State shall have the right to exercise exclusive jurisdiction over any offence which may be committed by a member of its contingent in the receiving State, except security offences as defined in paragraph 2(c) above against the receiving State.

Article VII

1. Whenever a member of a contingent of one Contracting Party in the performance of his official duties incident to noncombatant activities causes damage to or loss or destruction of private property in the territory of another Contracting Party, or the injury or death of individual therein, the responsibility for paying compensation with respect to claims for such damage, loss, destruction, injury or death shall rest upon the receiving State in accordance with the provisions of this Article.

2. Claims and suits shall be filed, considered and determined or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims or suits arising from the activities of its own forces. The receiving State may settle any such claim or suit in its currency, and payment of the amount agreed upon in settlement or of any judgment obtained shall be made by the receiv-
ing State. Such payment, or the final adjudication by the competent tribunals of the receiving State, denying payment, shall be binding and conclusive upon the claimant and the Contracting Parties. The government of the receiving State will ensure the defence against claims and suits arising under this Article.

3. Each Contracting Party waives all claims for damages to public property caused by a member of a contingent of any other Contracting Party wherever such claims for damage may arise.

4. The provisions of this Article do not apply to injury or death suffered by members of an armed force of any Contracting Party while in the performance of their official duties. In such cases, no claim shall lie against the Contracting Party to whose contingent the person causing the injury or death belongs. The provisions of the paragraph shall not affect any benefits which the municipal law of the sending State may provide for members of its contingents.

5. The costs incurred by the Contracting Parties in satisfying claims pursuant to the provisions of this Article shall be taken into full account in the assessment of each nation’s contribution to the security of the North Atlantic area with a view to distributing as equitably as possible the total burden of collective defence measures under North Atlantic Treaty plans.

**Article VIII**

1. Members of a contingent and their dependents may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as the nationals of the receiving State.

2. Goods purchased locally which are required for the subsistence of a contingent will normally be purchased through the competent departments which purchase such goods for government personnel of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of this State will indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. After agreement between the authorised representatives of the sending and receiving States, the competent authorities of the receiving State will assume sole responsibility for making suitable arrangements to make available to a contingent the buildings and grounds, as well as such other facilities and services as it requires. These agreements and arrangements will be, as far as possible, in accordance with the regulations governing the accommodation of similar personnel of the receiving State. In the absence of a specific contract the laws of the receiving State shall determine the rights and obliga-
tions arising out of the occupation or use of the buildings, grounds or facilities.

4. Local civilian labour requirements of a contingent will be satisfied in the same way as those of the comparable authorities of the receiving State and with the assistance of those authorities through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a contingent shall not be regarded for any purpose as being members of that contingent.

5. When a contingent has at the place where it is stationed inadequate medical or dental facilities, the members of that contingent and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State will give the most favourable consideration to requests for the grant to members of a contingent of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4, 5, and, if necessary, 6, will be made promptly by the authorities of the contingent.

8. The members of a contingent shall not by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State, except foods imported or services created by a sending State for the use of, or resale to, its own personnel.

**Article IX**

1. Members of a contingent who are neither nationals of nor resident in the receiving State, and their dependents who are neither nationals of nor resident in the receiving State shall:

   (a) enjoy exemption from income tax levied in the receiving State on any income which they receive from sources outside the receiving State and on compensation for official services.

   (b) be entitled to exemption from duty and taxes on private motor vehicles imported for their own personal use while on North Atlantic Treaty duty. There is no obligation under
this Article to grant any exemption from taxes payable in respect of the use of roads by private motor vehicles. Official vehicles shall be exempted from any tax payable in respect of the use of vehicles on public roads.

(c) be entitled to exemption from personal property taxes of the receiving State. For this purpose personal property of a member of a contingent or their dependents shall not be deemed to be located or present in or to have a situs for taxation in the receiving State.

In determining whether a member or his dependent is resident in the receiving State within the meaning of this paragraph, the presence in the receiving State of such member or dependent resulting solely from the employment by the sending State shall not be considered.

2. For the purpose of the levy of death duties on the estate of a deceased member of a contingent or their dependents, the fact that he has been present in the receiving State shall not be regarded as creating a change of domicile or residence so far as he is concerned, and the tangible movable property of the deceased which is situated on the territory of the receiving State only by reason of his service there, shall be considered as not being situated on that territory.

**Article X**

1. The customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a contingent and their dependents and to examine their luggage and vehicles, and seize articles pursuant to such laws and regulations.

2. The entry, departure and use of official vehicles shall be authorized free of all tax or duty on presentation of a triptyque in the form shown in Appendix A.

3. Official documents under official seal will not be subject to customs inspection. Couriers carrying these documents, whatever their status, must be in possession of an individual movement order, issued in accordance with Article II. This movement order will show the number of despatches carried and certify that they contain only official documents.

4. Provisions, supplies, household or other goods, imported as authorised by the sending State for the exclusive use of a contingent and its members and their dependents, shall be exempt from customs duties and all other duties and taxes payable on importation. This duty-free importation shall be subject to the deposit, at the customs office, together with the customs document, of a certificate
signed by an official authorised for that purpose. A specimen of this certificate is given in Appendix B. The list of the officials authorised in each contingent to sign the certificates as well as specimens of their signatures and the stamps used, shall be sent to the customs administration of the receiving State.

5. Goods which have been imported duty-free under paragraph 4 above:
   (a) can be re-exported to the country of origin of the goods or to the sending State provided that a certificate, issued in accordance with paragraph 4 above, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate and have in fact been imported under the conditions of paragraph 4.
   (b) cannot normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the customs authorities (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

6. Goods purchased in the receiving State can only be exported therefrom in accordance with the regulations in force in the receiving State.

7. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

8. Special arrangements shall be made by the receiving State so that fuel oil and lubricants for use or service in contingent official vehicles, aircraft and vessels, may be delivered free of all duties and taxes.

**Article XI**

1. The customs or fiscal authorities of the receiving State may as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be
deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

**Article XII**

1. In order to prevent offences against customs and fiscal laws and regulations of a receiving State, the customs and fiscal authorities of the receiving State and the authorities of a contingent will afford each other mutual assistance in the conduct of enquiries and the collection of evidence.

2. Authorities of a contingent will render all assistance within their power to ensure that articles liable to seizure by or on behalf of the customs or fiscal authorities of the receiving State are handed to those authorities.

3. This authority will render all assistance within its power to ensure the payment of duties, taxes and penalties payable by members of the contingent.

**Article XIII**

1. Members of a contingent shall comply with the foreign exchange regulations of the sending State and the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a foreign contingent and their dependents.

**Article XIV**

If any party is involved in hostilities in the North Atlantic area, each of the Contracting Parties shall have the right, so far as its own territory is concerned, to suspend 60 days after due notification the application of any of the provisions of this Agreement. If this right is exercised, the Parties will immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

**Article XV**

All differences between the Contracting Parties relating to the interpretation or application of the Agreement shall be settled between the Parties and there shall be no recourse to any outside jurisdiction. Except where express provision is made to the contrary in the Agreement, the Parties will make use of the machinery of the North Atlantic Council for the settlement of such differences.

**Article XVI**

Any Party may at any time request that a meeting of representatives of all the Parties to this Agreement should be held to consider
the revision of any Article of this Agreement. The request for a meeting shall be addressed to the Secretary, North Atlantic Council, who shall request the convocation of a meeting within three months from the date of the receipt of this request.

**Article XVII**

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. The present Agreement shall, when instruments of ratification have been deposited by all the signatory States, come into force on the thirtieth day after the deposit of the final instrument of ratification.

3. The present Agreement shall be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

**Article XVIII**

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement came into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Party to the Government of the United States of America, which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Party which denounces it, but shall continue in force for the remaining Parties.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed the present Agreement.

Done at Washington this ______ day of ____________, in the English and French languages, each equally authentic, in a single
original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

MS–D(51) 1


1. In conformity with the decision taken by the Working Group at its meeting on Monday, 29 January, the Secretary has the honor to transmit herewith:

(a) the articles of the draft submitted by the United States Delegation, regrouped under various specialized headings;
(b) a comparative table of the articles of the Agreement on the Status of the Armed Forces of the Brussels Treaty Powers¹ and those of the draft submitted by the United States Delegation.²

2. Regrouping of Articles by subjects.

(a) Articles dealing with general questions—Preamble; Articles I, XIV, XV, XVI, XVII and XVIII.
(b) Articles dealing with juridical questions—Articles II, III, VI, VII, VIII, IX, X and XII.
(c) Articles dealing with financial questions—Articles IV, VII, VIII, IX, X, XI, XII and XIII.
(d) Articles dealing with military questions—Articles II(2), IV and V.


A table comparing the Agreement and the Draft is annexed; it has been drawn up from the standpoint of the United States draft. Opposite each article of the United States draft, appearing in the first column, there stands in the second column the corresponding article of the Status of the Armed Forces of the Brussels Treaty Powers. On account of the great number of differences between the two documents, it has not been possible to reproduce them verbatim; they are however briefly described in the third column.

¹ Cmd. 7868 (21 December 1949).
² D–D(51) 23 (23 January 1951).
4. This comparative table shows that a number of articles or sections of articles which appear in the Status of the Armed Forces of the Brussels Treaty Powers have been omitted in the draft submitted by the United States Delegation, namely: art. 1(d); art. 2; art. 3(2), three last paragraphs; art. 6(1); art. 7(3), second paragraph; art. 7(4); art. 7(5), second sentence of (b) and (c); art. 8(2)(a); art. 8(4); art. 8(5); art. 8(6); art. 8(7); art. 9; art. 10; art. 12(1)(a), second sentence; art. 13(1), first paragraph; art. 13(4), third paragraph; art. 15(3), first sentence; art. 15(4); art. 19, third sentence.

5. The following articles of the draft are similar or identical to those of the Status of the Armed Forces of the Brussels Treaty Powers: art. I (b) and (c); beginning of art. II, 1; art. IV, 1 and 2; art. V, 1 and 2; art. VI, 1, 5 and 8; art. VII, 3; art. VIII, 1, 2, 3, 4, 5, 6 and 7; art. X; art. XI; art. XII; art. XIII; art. XVI; art. XVII, 1 and 2; art. XVIII; Annex B.

ANNEX

Comparison between the Agreement on the Status of the Members of the Armed Forces of the Brussels Treaty Powers and the Draft submitted by the United States Delegation

<table>
<thead>
<tr>
<th>Draft</th>
<th>Agreement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble</td>
<td>Preamble</td>
<td>The preamble of the Agreement is drafted in the same wording as the Brussels Treaty itself, whereas the preamble of the draft has been shortened.</td>
</tr>
<tr>
<td>Art. 1(a)</td>
<td>Art. 1(a)</td>
<td>The term &quot;contingent&quot; is used instead of &quot;foreign force&quot;; its definition includes military personnel and civilian personnel subject to the military law of the sending State, except certain categories of persons expressly named. The expression &quot;foreign force&quot; is reserved exclusively for the &quot;armed forces,&quot; but may include non-combatant units.</td>
</tr>
</tbody>
</table>

3 The word "Agreement" will be used for the articles of the Status of Armed Forces of the Brussels Treaty Powers; the word "Draft" for the articles of the draft submitted by the United States Delegation [footnote in original].
<table>
<thead>
<tr>
<th>Draft</th>
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<th>Comment</th>
</tr>
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<tr>
<td>Art. I(b)</td>
<td>Art. 1(b)</td>
<td>Identical.</td>
</tr>
<tr>
<td>Art. I(c)</td>
<td>Art. 1(c)</td>
<td>Identical.</td>
</tr>
<tr>
<td>Art. I(d)</td>
<td>---</td>
<td>Entirely new definition of dependents not mentioned in the Agreement.</td>
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<tr>
<td>---</td>
<td>Art. 1(d)</td>
<td>Not repeated in the draft.</td>
</tr>
<tr>
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<td>Art. 2</td>
<td>Not repeated in the draft.</td>
</tr>
<tr>
<td>Art. II(1)</td>
<td>Art. 3(1)</td>
<td>Identical as regards passport and visa regulations and certain regulations on the registration and control of aliens; the last clause in the draft is new, referring to the problems of permanent residence or domicile.</td>
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<tr>
<td>Art. II(2)</td>
<td>Art. 3(2)</td>
<td>Relating to the documents required in respect of members of a “contingent”—enumeration of documents: different, no reference being made in the draft to the trilingual identity card mentioned in the Agreement.</td>
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<tr>
<td>---</td>
<td>Art. 3(2)</td>
<td>The last three paragraphs are not repeated in the draft.</td>
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<tr>
<td>Art. III</td>
<td>Art. 4</td>
<td>Changes as regards the issue of driving permits in the receiving State, no tax or test being required.</td>
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<tr>
<td>Art. IV(1)</td>
<td>Art. 5(1)</td>
<td>Similar.</td>
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<td>Art. 5(2)</td>
<td>Similar.</td>
</tr>
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<td>---</td>
<td>Art. 6(1)</td>
<td>Not repeated in the draft.</td>
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<td>Art. V(1)</td>
<td>Art. 6(2)</td>
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<td>Art. 6(3)</td>
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<td>Art. 7(1)</td>
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<td>Art. VI(2)</td>
<td>Art. 7(2)</td>
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<td>Art. VI (3)</td>
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<td>Art. VI (4)</td>
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<td>Art. 7 (2), last par.</td>
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<td>--------------</td>
<td>Entirely new.</td>
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<td>Art. VI (7)</td>
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<td>Entirely new.</td>
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<td>Similar to the first paragraph of 7 (3).</td>
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<td>Art. 7 (4)</td>
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<td>Art. 7 (5) (a)</td>
<td>Similar.</td>
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<td>Art. 7 (5) (b)</td>
<td>First sentence similar; second sentence not repeated.</td>
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<td>Art. VI (10)</td>
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<tr>
<td>Art. VII (1)</td>
<td>Art. 8 (1), 1st par.</td>
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<td>Art. 8 (1), 2nd par.</td>
<td>Different.</td>
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<td>Art. 8 (2) (b)</td>
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<td>Art. VII (4)</td>
<td>Art. 8 (2) (b)</td>
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<td>Art. 8 (7)</td>
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<tr>
<td></td>
<td>Art. 9</td>
<td>Not repeated in draft.</td>
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<td>Art. VIII (1)</td>
<td>Art. 11(1)</td>
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<td>Art. 11(2)</td>
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<td>Art. VIII (3)</td>
<td>Art. 11(3)</td>
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<td>Art. VIII (4)</td>
<td>Art. 11(4)</td>
<td>Similar; slight changes in the last sentence.</td>
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<td>Art. VIII (5)</td>
<td>Art. 11(5)</td>
<td>Similar.</td>
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<td>Art. VIII (6)</td>
<td>Art. 11(6)</td>
<td>Identical, except for a specific reference to dependents.</td>
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<td>Art. VIII (7)</td>
<td>Art. 11(7)</td>
<td>Similar; the Agreement restricts the facilities to the railways.</td>
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<td>Art. VIII (8)</td>
<td>Art. 11(8)</td>
<td>Similar.</td>
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<td>Art. VIII (9), 1st par.</td>
<td>Art. 12(1)</td>
<td>Different: the draft provides for certain exemptions from import duties.</td>
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<td>Art. I (a)</td>
<td>Art. 1(a)</td>
<td>Different: last sentence of the Agreement is not repeated in the draft.</td>
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<td>Art. I (b)</td>
<td>Art. 1(b)</td>
<td>Similar, except for last sentence.</td>
</tr>
<tr>
<td>Art. I (c)</td>
<td>—---------</td>
<td>Entirely new.</td>
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<td>Art. II</td>
<td>Art. 12(2)</td>
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<td>Art. X (1)</td>
<td>Art. 13(1), 2nd par.</td>
<td>Similar; in addition provides that custom authorities shall have the right of seizure. The first paragraph is not repeated in the draft.</td>
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<td>Art. X (2)</td>
<td>Art. 13(2)</td>
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<td>Art. X (3)</td>
<td>Art. 13(3)</td>
<td>Identical.</td>
</tr>
<tr>
<td>Art. X (4)</td>
<td>Art. 13(4)</td>
<td>Similar in the first and second paragraphs; specific reference to dependents; the third paragraph is not repeated in the draft.</td>
</tr>
<tr>
<td>Draft</td>
<td>Agreement</td>
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<td>Art. X(5) (a)</td>
<td>Art. 13(5) (i)</td>
<td>Identical.</td>
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<td>Art. X(5) (b)</td>
<td>Art. 13(5) (ii)</td>
<td>Identical.</td>
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<td>Art. X(7)</td>
<td>Art. 13(7)</td>
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<td>Art. XI(1)</td>
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<td>Art. XI(2)</td>
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<td>Art. XII(1)</td>
<td>Art. 15(1)</td>
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<td>Art. XII(2)</td>
<td>Art. 15(2)</td>
<td>Identical.</td>
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<tr>
<td>Art. XII(3)</td>
<td>Art. 15(3), last sentence</td>
<td>Identical: the first sentence is not repeated in the draft.</td>
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<tr>
<td>Art. XIII(1)</td>
<td>Art. 16(1)</td>
<td>Similar.</td>
</tr>
<tr>
<td>Art. XIII(2)</td>
<td>Art. 16(2)</td>
<td>Similar, but with specific reference to dependents.</td>
</tr>
<tr>
<td>Art. XIV</td>
<td>Art. 17</td>
<td>Difference between the terms &quot;hostilities&quot; and &quot;war&quot;; provides for an interval of sixty days.</td>
</tr>
<tr>
<td>Art. XV</td>
<td>Art. 18</td>
<td>Similar: the Agreement provides for recourse to the Brussels Treaty Permanent Commission, which corresponds to the Council Deputies of the Atlantic Pact, whereas the draft envisages recourse to the North Atlantic Council itself.</td>
</tr>
<tr>
<td>Art. XVI</td>
<td>Art. 19, last two sentences</td>
<td>Same comment as for the preceding article concerning the Council Deputies. The third sentence is not repeated in the draft.</td>
</tr>
<tr>
<td>Art. XVII(1)</td>
<td>Art. 20, first two sentences</td>
<td>Similar: provides that the instruments of ratification shall be deposited with the Government of the United States, instead of with the Secretary-General of the Treaty.</td>
</tr>
</tbody>
</table>
Draft | Agreement | Comment
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Art. XVII(2) | Art. 20, last sentence | Similar.
Art. XVII(3) | | Entirely new.
Art. XVIII(1-3) | Art. 21(1-2) | Similar.
------------- | Annex A, B, C | Not repeated in draft.
Annex A | Annex D | Different.

**MS-D(51) 2**

**Status of Forces Agreement—Proposed Redraft of Article VI (6 February 1951) ¹**

*Note by the Secretary*

The United States Representative has been in consultation with the United Kingdom and French Representatives regarding Article VI, and the three Representatives, without committing their several Governments, propose the following redraft of Article VI as a basis for discussion by the Working Group (Juridical Subcommittee) at the meeting on Thursday, 8 February 1951.

The redraft is substantially a rearrangement of the United States draft, with some amendments suggested by the other Representatives. It omits paragraph 6 of the United States draft with the thought that civil jurisdiction could more properly be handled under Article VII. It also uses the word "forces," instead of the word "contingent" used in the United States draft, and it does not attempt to cover civilians accompanying the forces, which is to be the subject of further consideration.

**Article VI**

1. Subject to the provisions of this Article, the military authorities of the sending State shall have the right to exercise within the receiving State all jurisdiction and control conferred on them by the laws of the sending State over all members of their forces abroad.

2. The military authorities of the sending State shall have exclusive criminal jurisdiction over members of their forces with respect to

offences punishable by the law of the sending State but not by the laws of the receiving State, including offences relating to the security of the sending State, but not to that of the receiving State. A security offence against a particular State shall include

(a) treason against the State;

(b) Sabotage, espionage or violations of any law relating to official secrets of that State.

3. It is the duty of the forces of the sending State to respect the laws of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and in particular, from any political activity in the receiving State.

4. The authorities of the receiving State shall have jurisdiction over the members of a foreign force with respect to offences committed within the territory of the receiving State and punishable by the law of that State, except that the military authorities of the sending State and the authorities of the receiving State shall have concurrent jurisdiction over the members of a foreign force with respect to offences committed within the territory of a receiving State and punishable by the laws of both States, provided that in the case of the following offences, the military authorities of the sending State shall have the primary right to exercise jurisdiction:

(a) Offences solely against the property of the sending State, or offences against the person, property or a dependent of another member of the forces of the sending State;

(b) Offences arising out of any act done in the performance of official duty, or pursuant to a lawful order issued by the competent authorities of the sending State.

In particular cases, the sending State may waive the primary right of criminal jurisdiction by written notice of such waiver delivered to the appropriate authorities of the receiving State as soon as possible.

5. In the case of any other offence in which the military authorities of the sending State and the authorities of the receiving shall have concurrent jurisdiction, the receiving State shall have the primary right to exercise jurisdiction. The authorities of the receiving State shall promptly notify the military authorities of the sending State of the arrest of any member of the forces of the sending State, and if the receiving State decides not to exercise jurisdiction, it shall notify the military authorities of the sending State as soon as practicable.

6. The authorities of the receiving and sending States will assist each other in the arrest of offenders in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above, as well as in the collection of evidence and the carrying out of all necessary investigations, the
seizure and in proper cases handing over of exhibits and all objects connected with the offence.

7. Whenever a member of a foreign force is prosecuted in the courts of a receiving State, he shall be entitled:
   (a) to a speedy and public trial;
   (b) to be informed in advance of trial of the specific charge or charges made against him;
   (c) to be confronted with the witnesses against him;
   (d) to have compulsory process for obtaining witnesses in his favour;
   (e) to defence by a qualified advocate or counsel of his own choice, or failing such choice, appointed by the court to conduct his defence;
   (f) if he considers it necessary, to the services of a competent interpreter;
   (g) to have a representative of his Government present at any stage of his detention or trial, except during the preliminary examination (instruction) or grand jury proceeding.

8. Regularly constituted military units or formations of foreign forces shall have the right to police any camps, establishments or other premises which they have occupied as the result of an agreement with the receiving State, under the following conditions:
   (a) The military police of the units or formations may take all appropriate measures to ensure the maintenance of order on such premises;
   (b) Employment of such military police outside of its premises will be subject to arrangement with the authorities of the receiving State and in liaison with those authorities, where such employment is necessary to maintain discipline and order among the members of such units or formations.

9. Upon the request of the sending State, the receiving State will seek such legislation as the authorities of both States agree is necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the sending State, and the punishment of persons who may contravene such laws enacted for that purpose.

10. Notwithstanding the foregoing provisions, in time of hostilities in the North Atlantic area the sending State shall have the right to denounced paragraph 5 of this Article and to have the primary right to exercise criminal jurisdiction over members of its forces committing any offence within a receiving State except a security offence as defined in paragraph 2 committed against the receiving State.
MS–D(51) 3

Status of Forces Agreement—United Kingdom Note on the Definition of “Contingent” in the Draft (7 February 1951) 1

_Civilians (Article I and generally)_

The proposal to widen the definition of an armed force or “contingent” of a sending State so as to include any category of civilians not entitled to wear uniform raises serious difficulties for the following reasons.

It is recognized that a certain number of civilians employed by the sending State normally accompany an armed force of that State and are necessary for its operational efficiency. But such civilians are few in number in relation to the total number of the armed force. They usually move either as individuals or in small parties, and while they are in the receiving State they are not subject to the same close discipline and control as the uniformed members of the force they accompany. It can hardly be urged that, if they are excluded from the definition of the force of a sending State, they would in practice be subject to interference, either when entering, remaining in or departing from a receiving State, to an extent that would prevent them from performing efficiently their official duties.

Moreover, if a limited class of civilians were included in the general definition of a “force,” it would only be possible to identify individuals by means of a certificate, issued by the sending State, to be carried by each entitled person. The duties performed by such civilians are so various in character that it would hardly be possible to specify them in the Agreement. In the case of States whose central administration was unimpaired, the control of issue of personal certificates for such civilians might be satisfactorily maintained. But if the administration of a sending State were under severe stress, even before the outbreak of hostilities, with the result that the machinery for the issue of personal certificates became impaired, there would be a risk that such certificates might be obtained by persons whose presence in the receiving State would imperil the security of that State and of NATO forces for the time being in it.

For the above reasons it is considered that, in order to reach quickly the fullest measure of agreement between Contracting Parties, the definition of a “force” should not be widened to include any category of civilian not entitled to wear uniform.

Nevertheless, the United Kingdom Government are considering

1 Reference: MS(J)–R(51) 1, par. 5 (8 February 1951).
whether, for the purpose of certain Articles governing fiscal concessions, a limited class of civilians accompanying the armed forces can be covered, provided that a satisfactory definition of the class can be arrived at. A separate definition of the class might have to be devised for each Article affected, as considerations differ according to the kind of concession in view.

MS–D(51) 4

Status of Forces Agreement—United States Redraft of Article VII (9 February 1951) ¹

Article VII

1. Each Contracting Party waives all claims for damages to any property owned by such Contracting Party and used by its Service Ministries (Army, Navy or Air Force) or its forces, caused by a member of the forces of any other Contracting Party, wherever such claims for damage may arise.

2. No action shall lie against any Contracting Party or any member of its forces for injury or death suffered by any member of the forces of any Contracting Party while in the performance of his official duties. The provisions of this paragraph shall not affect any benefits which the municipal law of any State may provide for members of its forces.

3. Subject to the provisions of the two preceding paragraphs, civil actions brought against a member of the forces of a sending State shall be heard and determined by the courts of the receiving State, except that members of the forces of a sending State shall be immune from the civil jurisdiction of the receiving State in matters arising from the performance of their official duties, and provided that in particular cases such immunity may be waived by the sending State.

4. Claims against members of the forces of a sending State arising out of acts done in the performance of their official duties incident to non-combatant activities, and causing damage to or loss or destruction of the property of private persons in the territory of the receiving State, or the injury or death of individuals therein, shall be settled by the receiving State in accordance with the following provisions:

   (a) Claims shall be filed, considered and determined or adjudi-

¹ Previous reference: Article VII of D–D(51) 23 (23 January 1951). Reference: this text was never the subject of formal discussion by the Working Group, having been first superseded by MS–D(51) 4(R) (12 February 1951).
cated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces. The receiving State may settle any such claim in its own currency, and payment of the amount agreed upon shall be made by the receiving State. Such payment, or the final adjudication of the competent tribunals of the receiving State denying payment, shall be binding and conclusive upon the claimant and the Contracting Parties. The Government of the receiving State will ensure the defence against claims arising under this Article.

(b) The cost incurred by the Contracting Parties in satisfying claims pursuant to the preceding sub-paragraph shall be taken into full account in the assessment from time to time of each nation’s contributions to the security of the North Atlantic area, with a view to distributing as equitably as possible the total burden of defence measures under North Atlantic Treaty plans. In the meantime, if the cost incurred by any particular receiving State in the settlement of claims against the forces of any sending State becomes unduly burdensome or disproportionate, either because of the smallness of size of the receiving State, or for any other reason, such cost may, at the request of the receiving State, become the subject of bilateral negotiation between the two Parties for a contribution by the sending State to the payment of such cost.

5. Claims against members of the forces of a sending State arising out of tortious acts or omissions not relating to the performance of their official duties may be dealt with in the following manner. The Government of the receiving State may consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and may prepare a report on the matter. The report may be delivered to the authorities of the sending State, who will then decide without delay whether they will offer an ex gratia payment, and if so, of what amount. If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State will make the payment themselves and inform the Government of the receiving State of their decision and of the sum paid. Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of the forces of a sending State when unless there has been payment in full satisfaction of the claim.
Status of Forces Agreement—Revised United States Redraft of Article VII (12 February 1951) ¹

**Article VII**

1. Each Contracting Party waives all claims for damages to any property owned by such Contracting Party and used by its Service Ministries (and, sea or air armed services) including their public vessels, caused by a member of the armed services of any other Contracting Party or by the operation of a public vessel of any other Contracting Party, wherever such claims for damage may arise. The representations of the Government involved as to what vessels are its public vessels and as to what constitutes its public property shall be conclusive.

2. No action shall lie against any Contracting Party or any member of its armed services for injury or death suffered by any member of the armed services of any Contracting Party while in the performance of his official duties. The provisions of this paragraph shall not affect any benefits which the municipal law of any State may provide for members of its armed services.

3. Subject to the provisions of the two preceding paragraphs, civil actions brought against a member of the force or civilian component of a sending State shall be heard and determined by the courts of the receiving State, except that members of the force or of a civilian component of a sending State shall be immune from the civil jurisdiction of the receiving State in matters arising from the performance of their official duties, and provided that in particular cases such immunity may be waived by the sending State.

4. Claims against members of the forces of a sending State arising out of acts done in performance of their official duties incident to non-combatant activities, and causing damage to or loss or destruction of the property of private persons in the territory of the receiving State, or the injury or death of individuals therein, shall be settled by the receiving State in accordance with the following provisions:

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¹ Previous references: D-D(51) 23, Article VII (23 January 1951); MS–D (51) 4 (9 February 1951). References: MS(F)–R(51) 1–2 (13 February 1951); MS(J)–R(51) 3 (15 February 1951).
(a) Claims shall be filed, considered and determined or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces. The receiving State may settle any such claim in its currency, and payment of the amount agreed upon shall be made by the receiving State. Such payment, or the final adjudication of the competent tribunals of the receiving State denying payment, shall be binding and conclusive upon the claimant and the Contracting Parties. The Government of the sending State and the receiving State will cooperate in the procurement of evidence for a fair hearing and disposition of claims arising under this Article.

(b) The cost incurred by the Contracting Parties in satisfying claims pursuant to the preceding sub-paragraph shall be taken into full account in the assessment from time to time of each nation's contribution to the security of the North Atlantic area, with a view to distributing as equitably as possible the total burden of defence measures under North Atlantic Treaty plans. In the meantime, if the cost incurred by any particular receiving State in the settlement of claims against the forces of any sending State becomes unduly burdensome or disproportionate, such cost may, at the request of the receiving State, become the subject of bilateral negotiation between the two Parties for a contribution by the sending State to the payment of such cost.

5. Claims against members of the force of a sending State arising out of tortious acts or omissions not relating to the performance of their official duties may be dealt with in the following manner. The Government of the receiving State may consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and may prepare a report on the matter. The report may be delivered to the authorities of the sending State, who will then decide without delay whether they will offer an ex gratia payment, and if so, of what amount. If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State will make the payment themselves and inform the Government of the receiving State of their decision and of the sum paid. Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of the force of a sending State unless and until there has been payment in full satisfaction of the claim.
Status of Forces Agreement—Redraft of Articles I to VI (12 February 1951) ¹

PREAMBLE

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949, desiring to establish the status of the force of one Party maintained in the territory of another Party;

Have agreed as follows:

Article I

In this Agreement the expression:

(a) "force" means any personnel belonging to the land, sea or air armed services of one Contracting Party, maintained by it in the territory of another Contracting Party;

(b) "civilian component" means any civilian personnel accompanying a force who are in the employ of an armed service of a Contracting Party, and who are not nationals of, or ordinarily resident in, the State in which the force is maintained;

(c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

(d) "sending State" means the Contracting Party maintaining the force;

(e) "receiving State" means the Contracting Party in the territory of which the force is maintained, whether it be stationed there or passing in transit;

(f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components.

Article II

1. On the conditions specified in paragraph 2 of this Article, and subject to procedures established by the receiving State relating to entry and departure, the members of a force or civilian component shall be exempt from passport and visa regulations and immigration

¹ Previous references: D–D(51) 23, Articles I–VI (23 January 1951); MS–D (51) 2, Article VI (6 February 1951). References: MS(F)–R(51) 1–6 (13–16 February 1951); MS(J)–R(51) 1–5 (8–17 February 1951); in all of these Summary Records, the new definition of "force" and "civilian component" in MS–D(51) 5, Article I, forms the basis for discussion of other Articles.
inspection on entering or leaving the territory of a receiving State, and shall also be exempt from the regulations on the registration and control of aliens, but shall not be considered as acquiring any rights of permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force or civilian component. They must be presented on demand:

(a) personal government identity card, showing name (surname first), date of birth, rank and number (if any), service, and photograph, and in the case of a member of a civilian component, also the place of birth and the ordinary residence and the nationality of the member;

(b) individual or collective movement order, in the language of the sending State, and in the English and French languages, issued by an appropriate agency of the sending State, certifying to the status of the individual as a member of a force or of a civilian component, or to the status of an organized unit as a force or civilian component, and to the movement ordered, which may be countersigned by an appropriate representative of the receiving State.

Article III

The receiving State will accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or will, to the extent that it is bound to the sending State by the provisions of the 1949 Geneva Convention on Road Traffic, apply those provisions in recognition of a driving permit issued by the sending State or sub-division thereof to a member of its force or civilian component. In lieu of the foregoing the receiving State or sub-division thereof may issue a driving permit or licence to any member of a force or civilian component who holds a driving permit or licence issued by the sending State or a sub-division thereof, provided that no driving test is required.

Article IV

1. Members of a force will normally wear uniform. Regularly constituted units or formations of a force must be in uniform when crossing a frontier.

2. Service vehicles of a force shall carry, in addition to their registration number, a distinctive nationality mark.
Article V

1. Members of a force may carry arms, on condition that it is authorised by their orders.

2. In any case, officers of a force are always authorised to retain possession of their regulation personal weapons.

Article VI

1. Subject to the provisions of this Article, the military authorities of the sending State shall have the right to exercise within the receiving State all jurisdiction and control conferred on them by the laws of the sending State over all persons subject to the military law of that State.

2. The military authorities of the sending State shall have exclusive jurisdiction over members of their forces and of civilian components who are subject to the military laws of the sending State with respect to offences punishable by the law of that State but not by the law of the receiving State, including offences relating to the security of the sending State but not to that of the receiving State. A security offence against a particular State shall include:
   (a) treason against the State;
   (b) sabotage, espionage, or violation of any law relating to official secrets of that State.

3. It is the duty of the forces and civilian components of the sending State to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement and, in particular, from any political activity in the receiving State.

4. The authorities of the receiving State shall have jurisdiction over the members of a force and of a civilian component with respect to offences committed within the territory of the receiving State and punishable by the law of that State, except that the military authorities of the sending State and the authorities of the receiving State shall have concurrent jurisdiction over the members of a force and of a civilian component subject to the military law of the sending State with respect to offences committed within the territory of a receiving State and punishable by the laws of both States, provided that in the cases of the following offences, the military authorities of the sending State shall have the primary right to exercise jurisdiction:
   (a) Offences solely against the property of the sending State, or offences against the person, property or dependent of another member of the forces or civilian components of the sending State;
(b) Offences arising out of any act done in the performance of official duty, or pursuant to a lawful order issued by the competent authorities of the sending State.

In particular cases, the sending State may waive the primary right to exercise jurisdiction by written notice of such waiver delivered to the appropriate authorities of the receiving State as soon as practicable.

5. In the case of any other offence in which the military authorities of the sending State and the authorities of the receiving State shall have concurrent jurisdiction, the receiving State shall have the primary right to exercise jurisdiction. The authorities of the receiving State shall promptly notify the military authorities of the sending State of the arrest of any member of the force or civilian component of the sending State, and if the receiving State decides not to exercise jurisdiction, it shall notify the military authorities of the sending State as soon as practicable.

6. The authorities of the receiving and sending States will assist each other in the arrest of offenders in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above, as well as in the collection of evidence and the carrying out of all necessary investigations, the seizure and in proper cases handing over [of] exhibits and all objects connected with the offence.

7. Whenever a member of a force or civilian component is prosecuted under the jurisdiction of a receiving State, he shall be entitled:

(a) To a prompt and speedy trial;

(b) To be informed in advance of trial of the specific charge or charges against him;

(c) To be confronted with the witnesses against him;

(d) To have compulsory process for obtaining witnesses in his favour;

(e) To defence by a qualified advocate or counsel of his own choice, or failing such choice, appointed to conduct his defence;

(f) If he considers it necessary, to the service of a competent interpreter;

(g) To have a representative of his Government present at any stage of his detention or trial, except during the preliminary examination or grand jury proceeding.

8. Regularly constituted military units or formations of forces shall have the right to police any camps, establishments or other
premises which they have occupied as the result of an agreement with the receiving State, under the following conditions:

(a) The military police of the units or formations may take all appropriate measures to insure the maintenance of order on such premises;

(b) Employment of such military police outside of its premises will be subject to arrangement with the authorities of the receiving State and in liaison with those authorities, where such employment is necessary to maintain discipline and order among the members of such units or formations.

9. The Contracting Parties will seek such legislation as may be necessary to insure the adequate security and protection within their respective territories of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene such laws enacted for that purpose.

10. The provisions of this Article are without prejudice to any special arrangements which may be made to meet the requirements of a sending State with respect to the exercise of its jurisdiction in time of hostilities in the North Atlantic Area over offences committed by persons who are subject to its military laws and who are within the receiving State.

**ADDENDUM**

Article VI: New Paragraph (6), submitted by the United States Delegation, to be inserted after existing paragraph 5.

Where a primary right of jurisdiction has been exercised by the authorities of a Contracting Party, a trial of the accused by such authorities shall preclude his subsequent trial for the same offence by the authorities of another Contracting Party.

**MS-D(51) 6**

**Status of Forces Agreement—French Proposal on Distribution of the Financial Burden under Article VII, paragraph 4(b) (14 February 1951)**

(b) The costs incurred by one of the Contracting Parties in satisfying claims pursuant to sub-paragraph (a) shall be distributed as follows:

(i) Where a sending State alone is involved in the claim,
the claim and sundry charges shall be distributed in the proportion of 25% chargeable to the receiving State and 75% chargeable to the sending State.

(ii) Where several States are simultaneously involved in the same claim, the claim and sundry charges shall be distributed among the receiving State and the various sending States involved, each of those countries bearing the same burden.

(iii) Every claim submitted to the receiving State shall be immediately communicated to the sending States concerned, together with full particulars and a proposed distribution on a percentage basis in conformity with sub-paragraph (i) and (ii) above. In default of a reply within two months, the proposal shall be regarded as accepted.

(iv) In the event of disagreement between the receiving State and certain sending States on the application of sub-paragraph (i) and (ii) above, as in cases where it cannot be clearly established which State is the responsible party, SHAPE shall arbitrate in the matter, without right of appeal.

(v) Every half-year, a statement of the sum paid by the receiving State in the course of the half-year period, in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, the amount being calculated in the currency of the sending State, taking into account the rate of exchange on the date on which payment of the sums to be reimbursed will have actually taken place.

MS–D(51) 7
Status of Forces Agreement—United Kingdom Amendments to Articles IX and X (14 February 1951)¹

Article IX

1. In order that Article IX should only contain clauses relating to the stay in a receiving State of foreign forces and civilian

¹The paragraph numbers have been added by the editor. Previous reference: D–D(51) 23 (23 January 1951). Aherence: MS(F)–R(51) 5 (15 February 1951).
components and their dependents, and not to their entry to and exit from the receiving State, paragraph 1(b) should be deleted and a new paragraph 4 added, which should read as follows:

Official vehicles shall be exempt from any tax payable in respect of the use of vehicles on public roads. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of the roads by private vehicles.

**Article X**

2. In paragraph 4, delete the words “Provisions, supplies, . . . payable on importation,” and substitute:

The authorities of a force may import free of customs duties and all other duties and taxes payable on importation, provisions, supplies and other goods for the exclusive use of that force.

3. Delete the words “A specimen of this certificate is given in Appendix B.”

4. Renumber existing paragraph 4 as 4(a), and add new sub-paragraphs as follows:

(b) Members of a force or of a civilian component may at the time of first arrival to take up duty in the receiving State import free of duty their personal effects and furniture then in use. Any new furniture may be admitted temporarily free of duty for the term of duty of the persons concerned. They may, on the termination of their duty in the receiving State, or before that date, export free of duty their personal effects and furniture then in use.

(c) Members of a force or of a civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents.

**MS–D(51) 8**

*Status of Forces Agreement—Belgian Note on Article VI of the Draft (Traffic Accidents) (16 February 1951)*

*Road Accidents*

1. In the terms of paragraph 4 of Article VI, the members of foreign forces are subject to the jurisdiction of the authorities of the receiving State with respect to offenses committed within

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the territory of the receiving State and punishable by the law of that State, except that the military authorities of the sending State and the authorities of the receiving State shall have concurrent jurisdiction over the members of the foreign force with respect to offenses committed within the territory of a receiving State and punishable by the laws of both States, provided that the military authorities of the sending State shall have the primary right to exercise jurisdiction in the case of offenses arising out of any act done in the performance of official duty.

2. The attention of the Belgian Delegation has been drawn to the effects of this provision in the case of road accidents.

3. The Belgian Delegation considers that it may be of use to the Working Group to set out the principal points that have occurred to them on this subject.

4. Road accidents can be classified into two major categories: those which have caused only material damage, and those in which persons have been injured.

5. In the first case, as the accident has only caused material damage, the only legal provision which will have been violated in most legislative systems is a provision of the road regulations. Most penal codes do not render punishable involuntary damage to the personal estate of another party.

6. In the majority of countries, therefore, an accident of this nature is regarded as a purely domestic offense, punishable only under the law of the receiving State.

7. Thus, the judicial authorities of the receiving State shall exercise the exclusive right of jurisdiction.

8. The only exception to this rule is when, in the case of the occupation of foreign territory, the occupying authority, by virtue of the legislative power to which it is entitled under international law, issues a number of domestic decrees, by means of an ordinance applying to its armed forces. But here we have a situation in which there should be no question of the occupation of one country by another.

9. The second case, in which the accident has caused injury or death, is different. In addition to the violation of the road regulations, there will be the offense of unintentional assault and battery which all legislations recognize.

10. With regard to this last offense, the authorities of the sending State may have the primary right to exercise jurisdiction. The decision as to which country should take cognizance of the accident is thus made dependent on the character of the damages which the accident has caused,—the material damage on the one
hand, the injury on the other. This means that account is taken of a fortuitous circumstance which does not appear to be sufficiently determinative to justify such an effect.

11. Those are not all the difficulties which arise.

12. If we only take the case of the accident involving personal injury or death, we see that we nearly always have a conjunction of offenses, since one and the same fact is, on one hand, a violation of a set of road regulations and will in the majority of cases only be punishable by the law of the receiving State, and, on the other hand, an offense against common law—unintentional assault and battery—which is punishable by both legislations.

13. The authorities of the receiving State will have to take cognizance of the first offense, and the authorities of the sending State will have the primary right to exercise jurisdiction with respect to the second.

14. It is difficult to imagine, in a case of such close connection as the ideal conjunction of offenses, how proceedings can be instituted before two courts.

15. It must not be forgotten that this [connection] is closer than in any other field, for the offense which is the essential factor in the assault and battery is usually the violation of the road regulations. This last offense is at the root of the first. It is impossible to dissociate them.

16. There is another difficulty. In the majority of road accidents it might be said that two persons may be charged at first, and the one who is in fact the victim will frequently only appear to be so after a very detailed enquiry and even, in many cases, only after judgment has been given.

17. The victim himself,—for an individual who has suffered misfortune is often called a victim,—will perhaps be guilty for the same reason as the individual who has caused the accident. Cases of shared responsibility often arise.

18. In the case of road accidents, we do not have an active party and a passive party as in cases of theft, where it is not very difficult to distinguish between the robber and the robbed. Both parties are active, and it is often difficult to decide which of the two is responsible for the offense. It may even be that both are guilty.

19. In the case of one vehicle grazing the side of another when overtaking, is the guilty party the driver who was overtaken and did not keep close enough to the right, or the overtaking driver who did not go far enough out to the left (vice-versa in the United Kingdom)?
20. How is it possible to bring this problem, which concerns an indivisible whole, before two courts for judgment?

21. Such a procedure appears neither very reasonable nor very practical. In addition to these considerations, it must be borne in mind that it will very often be difficult to decide in these circumstances whether the accident did or did not arise out of the performance of official duty by members of an armed force, and that there can be no question of an extrajudicial authority giving a judge's verdict.

22. It is finally in the interests of the victim of the offense, as also of the receiving State which has to meet the claim for compensation, that in every case in which a third party is injured the courts of the receiving State should carry out the enquiry and collect the evidence required to enable judgment to be given with respect to the [civil] interests involved.

23. In conclusion, the Belgian Delegation considers that the provisions of paragraph 4(b) of Article VI should not apply in the case of road accidents.

MS-D(51) 9

Status of Forces Agreement—Revised Draft of Articles VIII, X, XI, XII and XIII (16 February 1951) ¹

Article VIII

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as the nationals of the receiving State.

2. Goods purchased locally which are required for the subsistence of a force or a civilian component will normally be purchased through the competent departments which purchase such goods for armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of this State will indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. After agreement between the authorised representatives of

² Original text: "civilian."

the sending and receiving States, the competent authorities of the receiving State will assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds, as well as the facilities and services connected therewith. These agreements and arrangements will be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds or facilities.

4. Local civilian labour requirements of a force or a civilian component will be satisfied in the same way as those of the comparable authorities of the receiving State and with the assistance of those authorities through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force.

5. When a force or civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State will give the most favourable consideration to requests for the grant to members of a force or a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4, 5, and, if necessary, 6, will be made promptly by the authorities of the force or a civilian component.

8. A force or its civilian component or members thereof shall not by reason of the Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

**Article X**

1. Save as provided expressly to the contrary in this Agreement, members of a force and civilian component are subject to the laws
and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and seize articles pursuant to such laws and regulations.

2. The temporary importation and the re-exportation of service vehicles shall be authorised free of duty on presentation of a triptyque in the form shown in Appendix A. These vehicles shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal will not be subject to customs inspection. Couriers carrying these documents, whatever their status, must be in possession of an individual movement order, issued in accordance with Article II. This movement order will show the number of despatches carried and certify that they contain only official documents.

4. The authorities of a force may import free of duty the equipment and reasonable quantities of provisons, supplies and other goods for the exclusive use of that force. This duty-free importation shall be subject to the deposit, at the customs office, together with the customs documents, of a certificate signed by an official authorised for that purpose. The list of the officials authorised to sign the certificates, as well as specimens of their signatures and the stamps used, shall be sent to the customs administration of the receiving State.

5. Members of a force or of a civilian component may at the time of first arrival to take up service in the receiving State import free of duty their personal effects and furniture then in use. Any new furniture may be admitted temporarily free of duty for the term of service of the persons concerned. They may on the termination of their service in the receiving State, or before that date, export free of duty their personal effects and furniture then in use.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of the roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of their force, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this
Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraph 4 above:

(a) can be re-exported freely provided that a certificate, issued in accordance with paragraph 4 above, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate and have in fact been imported under the conditions of paragraph 4.

(b) cannot normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the customs authorities (for instance on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State can only be exported therefrom in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component may be delivered free of all duties and taxes.

12. In this Article “duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be.

**Article XI**

1. The customs or fiscal authorities of the receiving State may as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.
Article XII

1. In order to prevent offences against customs and fiscal laws and regulations of a receiving State, the customs and fiscal authorities of the receiving State and the authorities of the sending State will afford each other mutual assistance in the conduct of enquiries and the collection of evidence.

2. The authorities of a force will render all assistance within their power to ensure that articles liable to seizure by or on behalf of the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force will render all assistance within its power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component and their dependents.

4. Service vehicles and articles belonging to a force seized in connexion with an offence against the customs and fiscal laws and regulations will be handed over to the appropriate authorities of the force concerned.

Article XIII

1. Members of a force and civilian component shall remain subject to the foreign exchange regulations of the sending State and are also subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and receiving States may issue special regulations applicable to a force or civilian component.

[There follows an Appendix, identical with the Appendix in the final version of the Agreement. This is the "Appendix A" which is referred to in Article X, par. 2, supra. There is no Appendix B.]

MS–D(51) 10

Status of Forces Agreement—Norwegian Note on the Death Penalty under Article VI of the Draft (16 February 1951) ¹

The Death Penalty

The criminal jurisdiction of a sending State over members of its armed forces in the territory of a receiving State, which is provided for in Article VI, par. 2 and 4, of the revised draft Agreement, raises a question of particular importance to the Norwegian Government. It concerns the possibility that the death penalty may be applied by foreign military authorities in Norway. In the event that Norway becomes a receiving State, nothing in the draft Agreement will prevent the visiting force from pronounc-

ing and carrying out death sentences against members of the force or civilian components who are subject to military law. Instances of this kind may very well occur, especially in cases of murder and treason. Should such a thing happen in peacetime, it would certainly be very repugnant to general feelings in Norway. Capital punishment was formally abolished in Norway with respect to civil crimes about 50 years ago, and the last execution in peacetime took place as long ago as 1875. The death penalty is maintained in the Norwegian military criminal code (the War Articles), but it can only be applied in war-time or under certain emergency conditions which may be assimilated to wartime. Public opinion and the Legislative Assembly are decidedly hostile to capital punishment except as an ultimate measure of national self-defence. Under these circumstances, the Norwegian Government would appreciate the introduction in the Agreement of a reservation with regard to the execution of death sentences. Other countries, represented on the committee, which have abolished capital punishment, may possibly be inclined to take the same view. It may be recalled that a similar question was raised in the United Kingdom in the autumn of 1940 when the Allied Forces Bill was passed. On that occasion the difficulty was solved, at least so far as regards Norway, by an informal exchange of letters according to which all death sentences should be reported to the appropriate British Government Department for the Service concerned. If the British authorities felt bound to recommend that the sentence should be reduced in severity, so as to bring it into harmony with the law or custom of the United Kingdom as regards British forces, it was understood that the Norwegian Government would take the necessary steps to commute the sentence.

A reservation as mentioned above may be inserted in the revised draft of Article VI, paragraph 1, by adding the following words: "The execution of death sentences shall, however, be subject to approval by the receiving State, which can refuse its approval if its own legislation does not provide for capital punishment in similar cases."

MS–D(51) 11

Status of Forces Agreement—Revised Text (Articles I-VII, IX, XI-XIV) of the Draft (19 February 1951) ¹

Note by the Secretary

The members of the Working Group on the Status of the Armed

Forces of the North Atlantic Treaty countries will find attached the amended text of Articles I–VII, IX, and XI–XIV, as well as that of Appendix A. As soon as the Subcommittees have finished their work, Delegations will receive the texts of those Articles which do not appear in the present version; these Articles will be published under the same document number.2

In order to avoid all confusion, the table below gives the number of each Article in the present edition and also the corresponding numbers in previous editions. This renumbering has been made necessary by the addition of a new Article II, which was formerly part of Article VI.

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2 The two Articles referred to (Articles VIII and X under the new numbering) were finally published as Addenda to MS-D(51) 11(R), on 22 February 1951. They have been inserted by the editor in the text of MS-D(51) 11(R).
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**Preamble**

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949, desiring to establish the status of the forces of one Party maintained in the territory of another Party;

Have agreed as follows:

**Article I**

In this Agreement the expression—

(a) "force" means any personnel belonging to the land, sea or air armed services of one Contracting Party maintained by it in the territory of another Contracting Party;

(b) "civilian component" means any civilian personnel accompanying a force who are in the employ of an armed service of a Contracting Party, and who are not nationals of, nor ordinarily resident in, the State in which the force is maintained;

(c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

(d) "sending State" means the Contracting Party maintaining the force;

³This Article will be published later. [Footnote in original text; see note 2, *supra*].
(e) "receiving State" means the Contracting Party in the territory of which the force is maintained, whether it be stationed there or passing in transit;

(f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components.

**Article II**

It is the duty of the forces and civilian components of the sending State and their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and in particular, from any political activity in the receiving State. It is also the duty of the authorities of the sending State to take necessary measures to that end.

**Article III**

1. On the conditions specified in paragraph 2 of this Article, and subject to procedures established by the receiving State relating to entry and departure, the members of a force or civilian component shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State, and shall also be exempt from the regulations on the registration and control of aliens, but shall not be considered as acquiring any rights of permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force or civilian component. They must be presented on demand:

   (a) personal government identity card, showing name (surname first), date of birth, rank and number (if any), service, and photograph, and in the case of a member of a civilian component, also the place of birth and the ordinary residence and the nationality of the member;

   (b) individual or collective movement order, in the language of the sending State, and in the English and French languages, issued by an appropriate agency of the sending State, certifying to the status of the individual as a member of a force or of a civilian component, or to the status of an organised unit as a force or civilian component, and to the movement ordered, which may be countersigned by an appropriate representative of the receiving State.
Article IV

The receiving State will accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof [to] a member of a force or of a civilian component; or will, to the extent that it is bound to the sending State by the provisions of the 1949 Geneva Convention on Road Traffic, apply those provisions in recognition of a driving permit issued by the sending State or sub-division thereof to a member of its force or civilian component. In lieu of the foregoing, the receiving State or sub-division thereof may issue a driving permit or licence to any member of a force or civilian component who holds a driving permit or licence issued by the sending State or a sub-division thereof, provided that no driving test is required.

Article V

1. Members of a force will normally wear uniform. Regularly constituted units or formations of a force must be in uniform when crossing a frontier.

2. Service vehicles of a force shall carry, in addition to their registration number, a distinctive nationality mark.

Article VI

1. Members of a force may carry arms, on condition that it is authorised by their orders.

2. In any case, officers of a force are always authorised to retain possession of their regulation personal weapons.

Article VII

1. Subject to the provisions of this Article, the military authorities of the sending State shall have the right to exercise within the receiving State all jurisdiction and control conferred on them by the laws of the sending State over all persons subject to the military law of that State. Death sentences, however, shall not be carried out in the receiving State if the legislation of the receiving State does not provide for such punishment in similar cases.

2. The military authorities of the sending State shall have exclusive jurisdiction over members of their forces and of civilian components who are subject to the military law of the sending State with respect to offences relating to the security of the sending State, but not to that of the receiving State, and to all other offences punishable by the law of that State but not by the law of the receiving State.
A security offence against a particular State shall include:
(a) treason against that State;
(b) sabotage, espionage, or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. The authorities of the receiving State shall have jurisdiction over the members of a force and of a civilian component with respect to offences committed within the territory of the receiving State and punishable by the law of that State, except that the military authorities of the sending State and the authorities of the receiving State shall have concurrent jurisdiction over the members of a force and of a civilian component subject to the military law of the sending State with respect to offences committed within the territory of a receiving State and punishable by the law of both States, provided that, in the case of the following offences, the military authorities of the sending State shall have the primary right to exercise jurisdiction:
(a) offences solely against the property or the security of the sending State, or offences solely against the person, property or a dependent of another member of the forces or civilian component of the sending State;
(b) offences arising out of any act done in the performance of official duty or pursuant to a lawful order issued by the competent authorities of the sending State.

In particular cases, the sending State may waive the primary right to exercise jurisdiction by written notice of such waiver delivered to the appropriate authorities of the receiving State as soon as practicable. The sending State will give sympathetic consideration to a request for waiver in cases which the receiving State considers to be of particular importance.

4. In the case of any other offence in which the military authorities of the sending State and the authorities of the receiving State shall have concurrent jurisdiction, the receiving State shall have the primary right to exercise jurisdiction. The authorities of the receiving State shall promptly notify the military authorities of the sending State of the arrest of any member of the force or civilian component of the sending State, and if the receiving State decides not to exercise jurisdiction, it shall notify the military authorities of the sending State as soon as practicable.

5. Where an accused has been tried by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving or has served his sentence, he may not be tried again for the same offence within the territory of that Contracting Party by the authorities of another Contracting Party.
6. The authorities of the receiving and sending States will assist each other in the arrest of offenders in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above, as well as in the collection of evidence and the carrying out of all necessary investigations, the seizure and, in proper cases, handing over exhibits and all objects connected with the offence. The authorities of the Contracting Parties shall notify one another of the results of all investigations and trials in cases in which there is concurrent jurisdiction.

7. Whenever a member of a force or civilian component is prosecuted under the jurisdiction of a receiving State, he shall be entitled:
   (a) to a prompt and speedy trial;
   (b) to be informed in advance of trial of the specific charge or charges made against him;
   (c) to be confronted with the witnesses against him;
   (d) to have compulsory process for obtaining witnesses in his favour;
   (e) to defence by a qualified advocate or counsel of his own choice or, failing such choice, appointed to conduct his defence;
   (f) if he considers it necessary, to the service of a competent interpreter, and, when the rules of court permit, to the presence of a representative of his Government.

8. Regularly constituted military units or formations of forces shall have the right to police any camps, establishments or other premises which they have occupied as the result of an agreement with the receiving State, under the following conditions:
   (a) The military police of the units or formations may take all appropriate measures to insure the maintenance of order on such premises;
   (b) Employment of such military police outside of its premises will be subject to arrangement with the authorities of the receiving State and in liaison with those authorities, where such employment is necessary to maintain discipline and order among the members of such units or formations.

9. Each Contracting Party will seek such legislation as it deems necessary to ensure the adequate security and protection within their respective territories of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene such laws enacted for that purpose.
Article VIII

[A revised draft of Article VIII was not contained in this document. See note 3, supra.]

Article IX

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as the nationals of the receiving State.

2. Goods purchased locally which are required for the subsistence of a force or civilian component will normally be purchased through the competent departments which purchase such goods for armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of this State will indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. After agreement between the authorised representatives of the sending and receiving States, the competent authorities of the receiving State will assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements will be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds or facilities.

4. Local civilian labour requirements of a force or a civilian component will be satisfied in the same way as those of the comparable authorities of the receiving State and with the assistance of those authorities through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State will give the most favourable consideration to requests for the grant to members of a force or a civilian com-
ponent of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, will be made promptly by the authorities of the force or a civilian component.

8. Neither a force nor a civilian component nor the members thereof nor their dependents shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

**Article X**

[A revised draft of Article X was not contained in this document. See note 3, *supra*.]

**Article XI**

1. Save as provided expressly to the contrary in this Agreement, members of a force and a civilian component, as well as their dependents, are subject to the laws and regulations administered by the customs authorities of the receiving State. In particular, the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles and seize articles pursuant to such laws and regulations.

2. The temporary importation and the re-exportation of service vehicles shall be authorised free of duty on presentation of a triptyque in the form shown in Appendix A. These vehicles shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal will not be subject to customs inspection. Couriers carrying these documents, whatever their status, must be in possession of an individual movement order, issued in accordance with Article III, par. 2(b). This movement order will show the number of despatches carried and certify that they contain only official documents.

4. The authorities of a force may import free of duty the equipment and reasonable quantities of provisions, supplies and other goods for the exclusive use of that force. This duty-free importation shall be subject to the deposit, at the customs office, together with the
customs documents, of a certificate signed by an official authorised for that purpose. The list of the officials authorised to sign the certificates, as well as specimens of their signatures and the stamps used, shall be sent to the customs administration of the receiving State.

5. Members of a force or of a civilian component may, at the time of first arrival to take up service in the receiving State, import free of duty their personal effects and furniture then in use. Any new furniture may be admitted temporarily free of duty for the term of service of the persons concerned. They may, on the termination of their service in the receiving State, or before that date, export free of duty their personal effects and furniture then in use.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of the roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of their force, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component, are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraph 4, above:

(a) can be re-exported freely provided that a certificate, issued in accordance with paragraph 4, above, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate and have in fact been imported under the conditions of paragraph 4;

(b) cannot normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the customs authorities (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State can only be exported therefrom in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so
that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1-10 of this Article, "duty" means customs duties and all other duties and taxes payable on importation or exportation, as the case may be.

**Article XII**

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes and duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

**Article XIII**

1. In order to prevent offences against customs and fiscal laws and regulations of a receiving State, the customs and fiscal authorities of the receiving State and the authorities of the sending State will afford each other mutual assistance in the conduct of enquiries and the collection of evidence.

2. The authorities of a force will render all assistance within their power to insure that articles liable to seizure by or on behalf of the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force will render all assistance within its power to insure the payment of duties, taxes and penalties payable by members of the force or civilian component and their dependents.

4. Service vehicles and articles belonging to a force seized in connection with an offence against the customs and fiscal laws and regulations will be handed over to the appropriate authorities of the force concerned.

**Article XIV**

1. A force, a civilian component and the members thereof as well as their dependents shall remain subject to the foreign exchange
regulations of the sending State and are also subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or a civilian component, or the members thereof as well as their dependents.

[There follows an "Appendix A" which is identical with the Appendix contained in the final text of the Agreement. There is no Appendix B].

**MS–D(51) 11(R)**

**Status of Forces Agreement—Revised Text (Articles I-V, IX, XI-XIX) of the Draft (20 February 1951)**

*Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces*

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Desiring to define the status of the forces of one Party serving in the territory of another Party,

Have agreed as follows:

**Article I**

In this Agreement the expression—

(a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in connexion with the operation of the North Atlantic Treaty;

(b) "civilian component" means the civilian personnel accompanying a force who are in the employ of an armed service of a Contracting Party, and who are not nationals of, or ordinarily resident in, the State in which the force is located;

(c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

(d) "sending State" means the Contracting Party maintaining the force;

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1 Previous reference: MS–D(51) 11 (19 February 1951). The text of Articles VI, VII, VIII and X was not contained in the original version of this document, but were distributed as Addenda to it on 22 February 1951. The text of all four Articles has been inserted in the text of MS–D(51) 11(R) by the editor.
(e) "receiving State" means the Contracting Party in the territory of which the force is located, whether it be stationed there or passing in transit;

(f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components.

**Article II**

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

**Article III**

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or civilian component or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force or civilian component. They must be presented on demand:

   (a) personal identity card issued by the sending State, showing names, date of birth, rank and number (if any), service, and photograph, and, in the case of a member of a civilian component, also the place of birth and the ordinary residence and the nationality of the member;

   (b) individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State and certifying to the status of the individual or group as a member or members of a force or of a civilian component and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.
Article IV

The receiving State shall either
(a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or
(b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

Article V

1. Members of a force shall normally wear uniform. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force shall carry, in addition to their registration number, a distinctive nationality mark.

Article VI ²

1. Members of a force may carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give consideration to requests from the receiving State concerning this matter.

2. Officers of a force are always authorised to retain possession of their regulation personal weapons.

Article VII ³

1. Subject to the provisions of this Article,
(a) the military authorities of the sending State shall have the right to exercise within the receiving State all jurisdiction and control conferred on them by the law of the sending State over all persons subject to the military law of that State;
(b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. (a) The military authorities of the sending State shall have

² See note 1, supra.
³ See note 1, supra.
exclusive jurisdiction over persons subject to the military law of that State with respect to offences relating to its security, but not to that of the receiving State, and to all other acts punishable by the law of the sending State but not by the law of the receiving State.

(b) The authorities of the receiving State shall have exclusive jurisdiction over members of a force or civilian component with respect to offences relating to the security of that State, but not to the security of the sending State, and to all other acts punishable by the law of the receiving State but not by the law of the sending State.

(c) A security offence against a particular State shall include
(i) treason against that State;
(ii) sabotage, espionage or violation of any law relating to officials secrets of that State, or secrets relating to the national defence of that State.

3. In cases where there is concurrent jurisdiction the following rules shall apply:

(a) The military authorities of the sending State shall have the primary right to exercise jurisdiction in relation to
(i) offences solely against the property of that State, or offences solely against the person, property or a dependant of another member of the force or civilian component of that State;
(ii) offences arising out of any act done in the performance of official duty (or pursuant to a lawful order issued by the competent authorities of that State).

(b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right will give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

5. (a) The authorities of the receiving and sending States shall assist each other in the arrest of offenders in the territory of
the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component.

(c) The custody of an accused over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until his arraignment by the receiving State.

6. (a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection of evidence, including the seizure and in proper cases the handing over of objects connected with an offence.

(b) The authorities of the Contracting Parties shall notify one another of the results of all investigations and trials in cases where there is concurrent jurisdiction.

7. Where an accused has been tried by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving or has served his sentence, he may not be tried again for the same offence within the territory of that Contracting Party by the authorities of another Contracting Party.

8. Whenever a member of a force or civilian component is prosecuted under the jurisdiction of a receiving State he shall be entitled—

(a) to a prompt and speedy trial;
(b) to be informed in advance of trial of the specific charge or charges made against him;
(c) to be confronted with the witnesses against him;
(d) to have compulsory process for obtaining witnesses in his favour, if within the jurisdiction of the receiving State;
(e) to defence by a qualified advocate or counsel of his own choice, or, failing such choice, appointed to conduct his defence;
(f) if he considers it necessary, to have the services of a competent interpreter; and
(g) to communicate with a representative of his government and, when the rules of the court permit, to have such a representative present at his trial.

9. (a) Regularly constituted military units or formations of forces shall have the right to police any camps, establishments or other premises which they have occupied as the result of
an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

(b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of such units or formations.

10. Each Contracting Party will seek such legislation as it deems necessary to ensure the adequate security and protection within their respective territories of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene such laws enacted for that purpose.

**Article VIII**

1. Each Contracting Party waives all its claims for damage to any property owned by it and used by its Service Ministries (land, sea or air) against any other Contracting Party or its servants or agents, provided such claims arise out of or in connexion with the operation of the North Atlantic Treaty.

For the purpose of this paragraph the expression “owned by a Contracting Party” includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or otherwise in its possession (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party or its insurer).

2. In the case of damage to property owned by a Contracting Party and not covered by paragraph 1 above, the amount of damage will be assessed by an arbitrator nominated by the receiving State, after consultation with any of the other Contracting Parties involved, and chosen from amongst its own nationals who hold or have held high judicial office, and will be distributed in accordance with paragraph 5(b) below.

Nevertheless each Contracting Party waives its claim in any such case where the damage is less than:

- Belgium: B.fr. 70,000
- Canada: B.fr. 70,000
- Denmark: F.fr. 490,000
- France: F.fr. 490,000
- Iceland: L.fr. 70,000
- Italy: L.fr. 70,000
- Luxembourg: L.fr. 70,000
- Netherlands: Fl. 5,320
- Norway: F.fr. 490,000
- Portugal: L.fr. 70,000
- United Kingdom: £500
- United States: £500

4 See note 1, supra.
In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall, by exchange of letters, agree on the appropriate adjustments of these amounts.

3. Each Contracting Party waives all claims against any other Contracting Party for injury or death suffered by any member of its armed services while in the performance of his official duties.

4. Claims (other than contractual claims) arising out of acts done by members of a force or civilian component in the performance of their official duties, not incident to combat, and causing damage to or loss or destruction of the property of private persons in the territory of the receiving State, or the injury or death of individuals therein, shall be settled by the receiving State in accordance with the following provisions:

(a) Claims shall be filed, considered and determined or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

(b) The receiving State may settle any such claim in its currency, and payment of the amount agreed upon shall be made by the receiving State.

(c) Such payment, or the final adjudication of the competent tribunals of the receiving State denying payment, shall be binding and conclusive upon the Contracting Parties.

(d) The authorities of the sending State and the receiving State will co-operate in the procurement of evidence for a fair hearing and disposal of such claims.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs will, at such intervals as may be agreed, be distributed between the Contracting Parties in proportions which shall be provisionally, until agreement to the contrary, as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium-Luxembourg</td>
<td>5.5%</td>
</tr>
<tr>
<td>Canada</td>
<td>7%</td>
</tr>
<tr>
<td>Denmark</td>
<td>3%</td>
</tr>
<tr>
<td>France</td>
<td>15.5%</td>
</tr>
<tr>
<td>Iceland</td>
<td>0%</td>
</tr>
<tr>
<td>Italy</td>
<td>7%</td>
</tr>
<tr>
<td>Netherlands</td>
<td>5%</td>
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<tr>
<td>Norway</td>
<td>3%</td>
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<tr>
<td>Portugal</td>
<td>3%</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>23%</td>
</tr>
<tr>
<td>United States</td>
<td>28%</td>
</tr>
</tbody>
</table>

(f) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

The provisions of this paragraph shall not apply to any claim
arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo.

5. Claims against members of the force of a sending State arising out of tortious acts or omissions not relating to the performance of their official duties shall be dealt with in the following manner. The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter. The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an ex gratia payment and if so, of what amount. If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the Government of the receiving State of their decision and of the sum paid. Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of the force of a sending State unless and until there has been payment in full satisfaction of the claim.

6. If any question arises whether a tortious act or omission of a member of a force or civilian component relates to the performance of his duties, the question shall be submitted to the arbitrator referred to in paragraph 2 of this Article, whose decision on this point shall be final and conclusive.

7. The courts of the receiving State shall have jurisdiction to hear and determine contractual claims against members of a force or a civilian component.

**Article IX**

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as the nationals of the receiving State.

2. Goods purchased locally which are required for the subsistence of a force or a civilian component will normally be purchased through the competent departments which purchase such goods for armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of this State will indicate, when necessary, any articles the purchase of which should be restricted or forbidden.
3. After agreement between the authorised representatives of the sending and receiving States, the competent authorities of the receiving State will assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements will be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds or facilities.

4. Local civilian labour requirements of a force or a civilian component will be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State will give the most favourable consideration to requests for the grant to members of a force or a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, will be made promptly by the authorities of the force or civilian component.

8. Neither a force, a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.
Article X ⁵

1. Where the incidence of any form of taxation in a receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence or domicile therein for the purposes of such taxation. Members of a force or civilian components shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any property the presence of which in the receiving State is due solely to his temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State.

Article XI

1. Save as provided expressly to the contrary in this Agreement members of a force and a civilian component as well as their dependents are subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and seize articles pursuant to such laws and regulations.

2. The temporary importation and the re-exportation of service vehicles shall be authorised free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement. These vehicles shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal will not be subject to customs inspection. Couriers carrying these documents, whatever their status, must be in possession of an individual movement order, issued in accordance with Article III. This movement order will show the number of despatches carried and certify that they contain only official documents.

4. The authorities of a force may import free of duty the equipment and reasonable quantities of provisions, supplies and other goods for the exclusive use of that force and its civilian component. This duty-free importation shall be subject to the deposit, at the

⁵ See note 1, supra.
customs office, together with the customs documents, of a certificate signed by an official of the sending State authorised for that purpose. The list of the officials authorised to sign the certificates as well as specimens of their signatures and the stamps used, shall be sent to the customs administration of the receiving State.

5. Members of a force or civilian component may at the time of first arrival to take up service in the receiving State import free of duty for the time of such service their personal effects and furniture then in use. Additional furniture shall be admitted at any time on the same conditions.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 5 or 6 above:

(a) can be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraph 4, 5 or 6, as the case may be;

(b) cannot normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the customs authorities (for instance on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State can only be exported therefrom in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.
11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component may be delivered free of all duties and taxes.

12. In paragraphs 1-10 of this Article "duty" means customs duties and all other duties and taxes payable on importation or exportation, as the case may be.

**Article XII**

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

**Article XIII**

1. In order to prevent offences against customs and fiscal laws and regulations of a receiving State, the customs and fiscal authorities of the receiving State and the authorities of the sending State will afford each other mutual assistance in the conduct of enquiries and the collection of evidence.

2. The authorities of a force will render all assistance within their power to ensure that articles liable to seizure by or on behalf of the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force will render all assistance within its power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component and their dependents.

4. Service vehicles and articles belonging to a force or its civilian component seized in connexion with an offence against the customs and fiscal laws and regulations will be handed over to the appropriate authorities of the force concerned.

**Article XIV**

1. A force, a civilian component and the members thereof as well as their dependents shall remain subject to the foreign exchange
regulations of the sending State and are also subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or a civilian component, or the members thereof as well as their dependents.

**Article XV**

If any Contracting Party is involved in hostilities in the North Atlantic area, each of the Contracting Parties shall have the right, by giving 60 days notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties will immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

**Article XVI**

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them and there shall be no recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, the Contracting Parties will make use of the machinery of the North Atlantic Council for the settlement of any differences which cannot be settled by direct negotiation.

**Article XVII**

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the Chairman of the North Atlantic Council, who shall refer the request to the Council.

**Article XVIII**

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an
instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

**Article XIX**

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such denunciation and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed the present Agreement.

Done in London this ______ day of _______, in the English and French languages, both texts being equally authoritative in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

[There follows an Appendix, identical with the Appendix contained in the final version of the Agreement].

**MS-D(51) 11(2R)**

**Status of Forces Agreement—New Revised Text (Articles I-XIX) of the Draft (24 February 1951)**

*Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces*

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

1 Previous reference: MS-D(51) 11(R) (20 February 1951).
Desiring to define the status of the forces of one Party serving in the territory of another Party,
Have agreed as follows:

**Article I**

In this Agreement the expression—
(a) “force” means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in connexion with the operation of the North Atlantic Treaty;
(b) “civilian component” means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not nationals of, nor ordinarily resident in, the State in which the force is located;
(c) “dependent” means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;
(d) “sending State” means the Contracting Party maintaining the force;
(e) “receiving State” means the Contracting Party in the territory of which the force is located, whether it be stationed there or passing in transit;
(f) “military authorities of the sending State” means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components.

**Article II**

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

**Article III**

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or
leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:
   (a) personal identity card issued by the sending State, showing names, date of birth, rank and number (if any), service, and photograph;
   (b) individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. In order that members of a civilian component or dependents of a force or civilian component may enjoy the privileges to which they are entitled by this Agreement, they should be so described in their passports.

4. If a member of a force or civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required.

5. If the receiving State has made an expulsion order against an ex-member of a force or civilian component, the authorities of the sending State shall be responsible for receiving him within their own territory or otherwise disposing of him outside the receiving State.

**Article IV**

The receiving State shall either
(a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or
(b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

**Article V**

1. Members of a force shall normally wear uniform. Regularly
constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

**Article VI**

1. Members of a force may carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give consideration to requests from the receiving State concerning this matter.

2. Officers of a force are always authorised to retain possession of their regulation personal weapons.

**Article VII**

1. Subject to the provisions of this Article,
   
   (a) the military authorities of the sending State shall have the right to exercise within the receiving State all jurisdiction and control conferred on them by the law of the sending State over all persons subject to the military law of that State;

   (b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences relating to its security, but not to that of the receiving State, and to all other acts punishable by the law of the sending State, but not by the law of the receiving State.

The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component with respect to offences relating to the security of that State, but not to the security of the sending State, and to all other acts punishable by the law of the receiving State, but not by the law of the sending State.

A security offence against a particular State shall include:

   (a) treason against that State;

   (b) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.
3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
   (a) The military authorities of the sending State shall have the primary right to exercise jurisdiction in relation to
   (i) offences solely against the property of that State, or
       offences solely against the person, property or the dependent of another member of the force or civilian component of that State;
   (ii) offences arising out of any act done in the performance of official duty (or pursuant to a lawful order issued by the competent authorities of that State).
   (b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.
   (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as possible. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

5. The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

   The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component.

   The custody of an accused over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6. The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence.

   The authorities of the Contracting Parties shall notify one
another of the results of all investigations and trials in cases where there is concurrent jurisdiction.

7. Where an accused has been tried by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party.

8. Whenever a member of a force or civilian component is prosecuted under the jurisdiction of a receiving State he shall be entitled:

(a) to a prompt and speedy trial;
(b) to be informed in advance of trial of the specific charge or charges made against him;
(c) to be confronted with the witnesses against him;
(d) to have compulsory process for obtaining witnesses in his favour, if within the jurisdiction of the receiving State;
(e) to defence by a qualified advocate or counsel of his own choice, or, failing such choice, appointed to conduct his defence;
(f) if he considers it necessary, to have the services of a competent interpreter; and
(g) to communicate with a representative of his Government and, when the rules of the court permit, to have such a representative present at his trial.

9. Regularly constituted military units or formations of forces shall have the right to police any camps, establishments or other premises which they have occupied as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of such units or formations.

10. Each Contracting Party will seek such legislation as it deems necessary to ensure the adequate security and protection within their respective territories of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene such laws enacted for that purpose.
Article VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its Service Ministries (land, sea or air) caused by a member or employee of the armed forces of any other Contracting Party, provided that such damage was caused by such member or employee in the execution of his duties in connexion with the operation of the North Atlantic Treaty. Claims for salvage by the respective Service Ministries are similarly waived.

For the purpose of this paragraph the expression "owned by a Contracting Party" includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or otherwise in its possession (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party or its insurer).

2. In the case of damage to property owned by a Contracting Party and not covered by paragraph 1 above, the amount of damage will be assessed by an arbitrator nominated by the receiving State, after consultation with any of the other Contracting Parties involved, and chosen from amongst its own nationals who hold or have held high judicial office, and will be distributed in accordance with paragraph 4(e) below.

Nevertheless each Contracting Party waives its claim in any such case where the damage is less than:

<table>
<thead>
<tr>
<th>Country</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>B.fr. 70,000</td>
</tr>
<tr>
<td>Canada</td>
<td>$1,460</td>
</tr>
<tr>
<td>Denmark</td>
<td>Kr. 9,670</td>
</tr>
<tr>
<td>France</td>
<td>F.fr. 490,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Kr. 22,800</td>
</tr>
<tr>
<td>Italy</td>
<td>Li 850,000</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>L.fr. 70,000</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Fl. 5,320</td>
</tr>
<tr>
<td>Norway</td>
<td>Kr. 10,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Es. 40,250</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>£ 500</td>
</tr>
<tr>
<td>United States</td>
<td>$1,400</td>
</tr>
</tbody>
</table>

In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. Each Contracting Party waives all claims against any other Contracting Party for injury or death suffered by any member of its armed services while in the performance of his official duties.

4. Claims (other than contractual claims) arising out of acts done by members of a force or civilian component in the performance of their official duties and causing damage to or loss or destruction of the property of persons or bodies, other than the Contracting Parties in the territory of the receiving State, or the injury or
death of individuals therein, shall be settled by the receiving State in accordance with the following provisions:—

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

(b) The receiving State may settle any such claims in its currency, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State.

(c) Such payment, or the final adjudication of the competent tribunals of the receiving State denying payment, shall be binding and conclusive upon the Contracting Parties.

(d) The authorities of the sending State and the receiving State will co-operate in the procurement of evidence for a fair hearing and disposal of such claims.

(e) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (f) (i) and (ii) below. In default of a reply within two months, the proposal shall be regarded as accepted.

(f) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs will, at such intervals as may be agreed, be distributed between the Contracting Parties, as follows:—

(i) Where one sending State alone is responsible, the amount awarded and taxable costs shall be distributed in the proportion of 25% chargeable to the receiving State and 75% chargeable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded and taxable costs shall be distributed equally among them: however, if the receiving State is not one of the States responsible its contribution shall be half that of each of the sending States.

(iii) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.
(iv) In cases where the burden imposed on the Contracting Party by this paragraph causes it serious hardship, it may request the Council to arrange an adjustment of its liability.

(g) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

The provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo.

5. Claims against members of the force or civilian component of a sending State arising out of tortious acts or omissions in the receiving State not relating to the performance of their official duties shall be dealt with in the following manner. The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter. The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount. If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the Government of the receiving State of their decision and of the sum paid. Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of the force or civilian component unless and until there has been payment in full satisfaction of the claim.

6. If any question arises whether a tortious act or omission of a member of a force or civilian component relates to the performance of his duties, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2 of this Article, whose decision on this point shall be final and conclusive.

7. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of claims not covered by the provisions of the preceding paragraphs.

**Article IX**

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption
and such services as they need under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component will normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of this State will indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. After agreement between the authorised representatives of the sending and receiving States, the authorities of the receiving State will assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements will be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds or facilities.

4. Local civilian labour requirements of a force or a civilian component will be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, members and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State will give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and,
if necessary, 5 and 6, will be made promptly by the authorities of the force or civilian component.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

**Article X**

1. Where the incidence of any form of taxation in a receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence or domicile therein for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State.

**Article XI**

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents are subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2. The temporary importation and the re-exportation of service vehicles shall be authorised free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement. These vehicles shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal will not be subject to customs inspection. Couriers, whatever their status, carrying these documents, must be in possession of an individual movement order, issued in accordance with Article III. This movement order shall show the
number of despatches carried and certify that they contain only
official documents.

4. The authorities of a force may import free of duty the equip-
ment for that force and reasonable quantities of provisions, supplies
and other goods for the exclusive use of that force and its civilian
component. This duty-free importation shall be subject to the de-
posit, at the customs officer for the place of entry together with the
customs documents, of a certificate signed by an official of the sending
State authorised for that purpose. The list of the officials authorised
to sign the certificates, as well as specimens of their signatures and
the stamps used, shall be sent to the customs administration of the
receiving State.

5. Members of a force or civilian component may at the time of
first arrival to take up service in the receiving State import free of
duty for the term of such service their personal effects and furniture.

6. Members of a force or civilian component may import tempo-
rarily free of duty their private motor vehicles for the personal use
of themselves and their dependents. There is no obligation under
this Article to grant exemption from taxes payable in respect of the
use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the
exclusive use of that force and its civilian component, and imports,
other than those dealt with in paragraphs 5 and 6 of this Article,
effected by members of a force or civilian component are not, by
reason of this Article, entitled to any exemption from duty or other
conditions.

8. Goods which have been imported duty-free under paragraphs 4,
5 or 6 above—

(a) may be re-exported freely, provided that, in the case of
goods imported under paragraph 4, a certificate, issued in
accordance with that paragraph, is presented to the customs
office: the customs authorities, however, may verify that
goods re-exported are as described in the certificate, if any,
and have in fact been imported under the conditions of para-
graph 4, 5 or 6 as the case may be;

(b) shall not normally be disposed of in the receiving State by
way of either sale or gift: however, in particular cases such
disposal may be authorised on conditions imposed by the
customs authorities (for instance on payment of duty and
tax and compliance with the requirements of the controls
of trade and exchange).

9. Goods purchased in the receiving State shall be exported there-
from only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1-10 of this Article "duty" means customs duties and all other duties and taxes payable on importation or exportation, as the case may be.

**Article XII**

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

**Article XIII**

1. In order to prevent offences against customs and fiscal laws and regulations of a receiving State, the customs and fiscal authorities of the receiving State and the authorities of the sending State shall afford each other assistance in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force will render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component seized in connexion with an offence against the
customs or fiscal laws or regulations will be handed over to the appropriate authorities of the force concerned.

**Article XIV**

1. A force, a civilian component and the members thereof as well as their dependents shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as their dependents.

**Article XV**

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that Article VIII shall not apply to war damage and the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties will immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

**Article XVI**

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them and there shall be no recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, the Contracting Parties will make use of the machinery of the North Atlantic Council for the settlement of differences which cannot be settled by direct negotiation.

**Article XVII**

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the Chairman of the North Atlantic Council, who shall refer the request to the Council.
Article XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

Article XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed the present Agreement.

Done in London this ______ day of _______, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

[There follows an Appendix, identical with the Appendix contained in the final version of the Agreement].
Status of Forces Agreement—Conclusions of the Working Party on Article IX (Fiscal Questions) of the Draft (19 February 1951) ¹

Note by the Secretary

Since the discussions of the fiscal experts had not succeeded in achieving agreement on direct taxation (income tax, property tax, death duties, etc.), a Working Party met on 16 February 1951 in order to go into the problem in detail and define the difficulties which it raised.

The conclusions of this Working Party, which was composed of the Representatives of Belgium, Canada, Denmark, France, the Netherlands and the United Kingdom, are summarized in the Annex below.

ANNEX

I. General Comments.

1. The chief concern of the Working Party has been to devise a taxation system of such a kind that it would ensure: first, that members of a foreign force or civilian component do not suffer loss on account of their service abroad; and secondly, that such members do not profit by undue advantages which would give the impression that they enjoy fiscal privileges.

2. The question has arisen whether it is necessary to insert provisions in the Agreement in favor of members who may already have their “fiscal domicile” in the receiving State at the time when they enter the service of the armed force or civilian component.

The majority of Representatives were of the opinion that no special measure is necessary with respect to such members for the following reasons:

(a) We cannot concern ourselves with exceptional cases.

(b) As a general rule, their position will be covered in any case by the operation of international conventions intended to prevent double taxation.

(c) Should conventions of this type not exist, it would be for the Governments concerned to take the necessary steps on the bilateral level, at their discretion.

¹Draft under discussion is that of D–D(51) 23, Article IX (23 January 1951). Article IX of that draft became Article X in MS–D(51) 11 (19 February 1951) and in all subsequent drafts.
A number of Representatives considered that the case of persons who are nationals of the receiving State should also be excluded.

II. Income Tax.

3. All the Representatives recognized that there could be no question of the receiving State taking advantage of the presence on its territory of an armed force or civilian component to increase its resources by levying a tax on the sums paid by the sending State to the members of the armed force or civilian component in remuneration for their official duties.

They noted, however, that if an exemption were granted in the receiving State, this might have the result of relieving the persons concerned from all taxation, if the legislation of the sending State did not permit the taxation of the remunerations, owing to the fact that the recipients in view of the duration of their stay abroad could no longer be regarded as having a fiscal domicile in the sending State.

4. To prevent such a situation arising, it has appeared to be necessary to lay down the principle that the mere fact that the member of an armed force or civilian component is serving in the territory of a State other than the State in which he possessed his fiscal domicile at the time when he entered the service of the force or civilian component does not imply the transfer of this fiscal domicile.

It would appear that, if such a provision were inserted into the Agreement, it should after receiving legislative approval permit the taxation of remunerations in the sending State, even when the present legislation of that State does not so authorize.

If this principle were laid down, moreover, it would not imply that the sending State is obliged to levy such taxation.

5. All the Representatives agreed that the receiving State should be entitled to levy taxation for its own benefit on those incomes other than the remunerations mentioned above, which are derived from sources in its own territory.

6. With regard to incomes derived from sources abroad, the principle laid down under paragraph 4 should logically mean that the receiving State should exempt them from taxation.

Although this view was shared by a number of Representatives, several however made reservations on this point. These Representatives considered that it was legitimate for the receiving State to tax the incomes in question insofar as they are brought into its territory, and accordingly thought that the aforementioned principle should have a restricted application. These Representatives stated that it was imperative to give further consideration to this subject.

7. It would be valuable if all the delegations present at the next
meeting of the committee of experts were in a position to state definitively whether or not their Governments are in favor of granting a complete exemption in the receiving State of incomes derived from sources outside that State.

III. Taxes on Property.

8. The draft Agreement submitted by the United States Delegation provides under Article IX, par. 1(c), that the members of a foreign force or civilian component shall be exempted from personal property taxation in the receiving State. In this connection, it specifies that the personal property of a member shall not be deemed to be located or present in the receiving State.

In the present state of the legislations of the North Atlantic countries, such taxation is levied either on personal estate, or on real estate, or on both categories of property at once.

It is true that such taxation exists only in certain countries, but the Representatives nevertheless recognize the advisability of defining the conditions under which the members of a foreign force or civilian component may be subject to such taxation.

The view was expressed by a number of Representatives that it did not seem expedient to adopt the full text of the United States proposal, which would provide total exemption from such taxation in the receiving State. It could indeed be considered unsatisfactory if the receiving State did not retain the right to impose such taxation on the personal estate and real property which might be derived from investments within its territory, though an exception might be made in favor of certain types of personal estate (for example, personal property necessary to the execution of duties or the provision of the personal accommodation of the person concerned, credit balances of bank accounts insofar as these balances can be regarded as representing part of the emoluments received by the person concerned in remuneration for his official duties).

9. The Representatives generally reserved the right to refer the question to their respective authorities, particularly in view of the fact that the matter might concern communities other than the State (provinces, "départments," municipalities).

IV. Taxation in Respect of the Occupation of Property.

10. In a number of countries taxation of this kind is levied usually for the benefit of the communities mentioned in paragraph 9.

The Working Party expressed the wish that the Delegations con-
cerned should investigate whether and how far exemption from such taxation in the receiving State should be provided.

V. Death Duties.

11. With regard to death duties, consideration might be given to the following solution.

Assuming that the principle is accepted that the presence of a member in the receiving State does not imply the transfer of the fiscal domicile, it would be provided that, in the event of his decease, the tangible movable property necessary to the exercise of his official duties or the provision of his personal accommodation shall be considered as not being situated on the territory of the receiving State—in the same way as the credit balances of banking accounts, insofar as those balances can be regarded as representing part of the emoluments received by the person concerned in remuneration for his official duties.

12. In the course of the discussion on this point, the Delegations will have to decide whether it is possible to accept the exemption envisaged above, in particular insofar as it applies to banking account balances. On this point, reservations have in any case been made by a number of Representatives.

MS–D(51) 13

Status of Forces Agreement—Portuguese Proposal for Redraft of Article VI on Criminal Jurisdiction (20 February 1951) ¹

ARTICLE VI

1. Members of a force shall be under the exclusive jurisdiction of the sending State, if indicted:

(a) for an offence solely against a member of the armed force of the sending State or against a dependent of a member of such force;

(b) for an offence punishable under the law of the sending State, but not punishable under that of the receiving State;

(c) for an offence against the security of the sending State. Included in this category are treason, sabotage, espionage, and any contravention of the laws relating to the official secrets of the sending State.

¹ Previous reference: D–D(51) 23, Article VI (23 January 1951); MS–D(51) 2 (6 February 1951); MS–D(51) 5, Article VI (12 February 1951). Reference: MS(J)–R(51) 6 (22 February 1951). This was renumbered as Article VII in MS–D(51) 11 (19 February 1951) and in all subsequent redrafts.
2. Apart from the cases under paragraph 1 above, members of a contingent shall be under the criminal jurisdiction of the receiving State, even though the offence is solely punishable by the laws of that State. The authorities of the receiving State may waive the exercise of its jurisdiction in the event of the following conditions being present concurrently: that the offence is not punishable by a heavy sentence; that the sending State withdraws the offender from the receiving State; that the sending State makes provision for the immediate and direct payment to the victim of the offence of the due indemnity to be fixed by the jurisdiction of the receiving State.

3. Subject to the provisions of this Article, the military authorities of the sending State shall have the right to exercise within the receiving State all the disciplinary jurisdiction and control thereof conferred on them by the laws of the sending State over all members of its forces abroad.

4. It is the duty of the force of the sending State to respect the laws of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and in particular, from any political activity in the receiving State.

5. The authorities of the receiving State will assist those of the sending State by arresting offenders, handing them over to the authority which is to exercise jurisdiction, collecting the evidence and carrying out all other investigations necessary for the preparation of the case, and handing over documents and exhibits connected with the prosecution or the defence.

6. Whenever a member of a foreign force is prosecuted in the courts of a receiving State he shall enjoy the same treatment as that enjoyed by the nationals of the receiving State, and, specifically, he shall be entitled:

(a) to a speedy and public trial;
(b) to be informed in advance of trial of the specific charge or charges made against him;
(c) to be confronted with the witnesses against him;
(d) to secure the evidence of such persons as he may indicate, in accordance with the procedural norms of the receiving State;
(e) to defence by a qualified advocate or counsel of his own choice, or failing such choice, appointed by the court to conduct his defence;
(f) if he considers it necessary, to the services of a competent interpreter.

7. It shall be lawful for the sending State to police any camps, establishments or other premises which they have occupied as the
result of an agreement with the receiving State, under the following conditions:

(a) The military police of the units or formations may take all appropriate measures to ensure the maintenance of order on such premises.

(b) Employment of such military police outside of its premises will be subject to arrangement with the authorities of the receiving State and in liaison with those authorities, where such employment is necessary to maintain discipline and order among the members of such units or formations.

8. Upon the request of the sending State, the receiving State may promulgate such legislation as the authorities of both States agree is necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the sending State, and the punishment of persons who may contravene such laws enacted for that purpose.

MS–D(51) 14

Status of Forces Agreement—Portuguese Proposal for Redraft of Article VII on Claims (20 February 1951) ¹

ARTICLE VII

1. Each Contracting Party waives all claims for damages to any property owned by such Contracting Party and used by its Service Ministries (land, sea or air armed services) or by its armed forces, caused by a member of the armed services of any other Contracting Party while in the performance of his official duties.

Sub. Should any dispute arise as to whether the damage was caused by a member of a force while in the performance of his official duties, the matter shall be submitted to the arbitration of an umpire appointed by the President of the highest court of the receiving State.

2. No action shall lie against any Contracting Party or any member of its armed services for injury or death suffered by any member of the armed services of any Contracting Party while in the performance of his official duties.

Sub. The provisions of this paragraph shall not affect any benefits

¹ Previous reference: D–D(51) 23, Article VII (23 January 1951); MS–D(51) 4(R) (12 February 1951). Reference: MS(J)–R(51) 6 (22 February 1951). Article VII of the original draft was renumbered as Article VIII in MS–D(51) 11 (19 February 1951) and in all subsequent drafts.
which the municipal law of the receiving State may provide for members of its armed services.

3. Subject to the provisions of the two preceding paragraphs, the members of the force of a sending State shall be under the civil jurisdiction of the receiving State, unless:

(a) the case arises from acts done in the performance of official duties directly connected with combatant activities;

(b) the sole injured party is the sending State or a member of the latter's force.

4. Cases arising from the acts of members of a force of a sending State done in the performance of their official duties incident to non-combatant activities shall be settled in accordance with the legal provisions of the receiving State relative to claims arising from acts done by its own armed forces.

(a) Compensation may be settled in the currency of the receiving State, which will effect its payment.

(b) The decision of the court shall be binding on the claimant and on the Contracting Parties.

(c) The receiving State shall provide the defence in connexion with such cases.

(d) The cost incurred by the Contracting Parties in satisfying claims pursuant to the preceding sub-paragraph shall be taken into full account in the assessment from time to time of each nation’s contribution to the security of the North Atlantic area, with a view to distributing as equitably as possible the total burden of defence measures under North Atlantic Treaty plans. In the meantime, if the cost incurred by any particular receiving State in the settlement of claims against the forces of any sending State becomes unduly burdensome or disproportionate, such cost may, at the request of the receiving State, become the subject of bilateral negotiation between the two Parties for a contribution by the sending State to the payment of such cost.

5. In cases involving payment of compensation for acts done by a member of a force of a sending State, not relating to the performance of his official duties, the receiving State may stipulate the amount of compensation payable to the claimant, having regard to all the circumstances of the case.

(a) The authorities of the sending State shall decide, without delay and in the light of the report submitted by the receiving State, whether or not they will offer to pay the proposed compensation.

(b) Should payment be offered, the sending State shall remit the
amount stipulated to the receiving State in order that the latter may hand it to the claimant.

(c) The provisions of this paragraph shall affect neither the right of the injured party to have recourse to the courts of the receiving State nor the latter's jurisdiction.

D–D(51) 57

Status of Forces Agreement—Revised Draft (28 February 1951) 

Report of the Chairman of the Working Group

1. I have the honor to submit herewith the draft of an Agreement relative to the status of the forces of one Contracting Party to the North Atlantic Treaty serving in the territory of another Contracting Party.

2. This draft covers the same range of subjects as the corresponding Agreement arranged between the Brussels Treaty Powers, which was signed in London on 21 December 1949, but has not yet been ratified. It goes beyond the provisions of the Brussels Treaty Powers Agreement in certain respects, of which the most important are as follows:

(a) It deals with the status of certain classes of civilians accompanying a force.

(b) It deals in a more positive manner with the situation, in regard to the Agreement, which may be expected to arise on the outbreak of hostilities to which the North Atlantic Treaty applies (see Article XV).

3. The draft Agreement represents the greatest common measure of assent at which the Working Group could arrive as to the proposals which should be laid before the Governments of the respective Contracting Parties. The members of the Working Group, not being in a position to commit their Governments, cannot be regarded as having agreed to the several provisions of the draft of merits. During the course of our discussions they have kept in touch with their Governments, and every endeavor has been made by the Working Group to meet requests and to eliminate possible grounds of dissent. Nevertheless, the Governments of the Contracting Parties cannot be expected to form considered opinions about the provisions of the draft Agreement until they have seen the complete text as here pre-

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sented. We therefore recommend that copies of the draft be sent as soon as possible to the several Governments concerned, with a request that their acceptance of it, or their observations thereon, be furnished within a limited time.

4. When replies have been received, we contemplate that it may be necessary to call a further meeting of the Working Group, with a view to revising the draft and bringing it into acceptable form.

Draft Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Being desirous to define the status of the forces of one Party serving in the territory of another Party,

Have agreed as follows:

Article I

In this Agreement the expression—

(a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in connexion with the operation of the North Atlantic Treaty;

(b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not nationals of, nor ordinarily resident in, the State in which the force is located;

(c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

(d) "sending State" means the Contracting Party to which the force belongs;

(e) "receiving State" means the Contracting Party in the territory of which the force is located, whether it be stationed there or passing in transit;

(f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components.
Article II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

Article III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

   (a) personal identity card issued by the sending State, showing names, date of birth, rank and number (if any), service, and photograph;

   (b) individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any such person who has absented himself for more than 21 days.

5. If the receiving State has made an expulsion order against an ex-member of a force or of a civilian component, the authorities of the sending State shall be responsible for receiving him within their
own territory or otherwise disposing of him outside the receiving State.

**Article IV**

The receiving State shall either

(a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or

(b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

**Article V**

1. Members of a force shall normally wear uniform. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

**Article VI**

Members of a force may carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

**Article VII**

1. Subject to the provisions of this Article,

(a) the military authorities of the sending State shall have the right to exercise within the receiving State all jurisdiction and control conferred on them by the law of the sending State over all persons subject to the military law of that State;

(b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences relating to its security, but not to that of the receiving State, and to all other acts
punishable by the law of the sending State, but not by the law of the receiving State.

The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component with respect to offences relating to the security of that State, but not to the security of the sending State, and to all other acts punishable by the law of the receiving State, but not by the law of the sending State.

A security offence against a State shall include
(a) treason against that State;
(b) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
(a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to
(i) offences solely against the property of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;
(ii) offences arising out of any act done in the performance of official duty [or pursuant to a lawful order issued by the military authorities of that State].
(b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.
(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

5. (a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or

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2 Square brackets in original text.
civilian component in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component.

(c) The custody of an accused over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6. (a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence.

(b) The authorities of the Contracting Parties shall notify one another of the results of all investigations and trials in cases where there are concurrent rights to exercise jurisdiction.

7. Where an accused has been tried by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party.

8. Whenever a member of a force or civilian component is prosecuted under the jurisdiction of a receiving State he shall be entitled:

(a) to a prompt and speedy trial;

(b) to be informed in advance of trial of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favour, if within the jurisdiction of the receiving State;

(e) to defence by a qualified advocate or counsel of his own choice, or, failing such choice, appointed to conduct his defence;

(f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of his Government and, when the rules of the court permit, to have such a representative present at his trial.

9. Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they have occupied as the result of an agreement with the receiving State. The military police of the force may take all
appropriate measures to ensure the maintenance of order and security on such premises.

Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of such units or formations.

10. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene such laws enacted for that purpose.

**Article VIII**

1. (a) Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its Service Ministries (land, sea or air) caused by a member or employee of the armed forces of any other Contracting Party provided that such damage was caused by such member or employee in the execution of his duties in connexion with the operation of the North Atlantic Treaty. Such waiver shall extend to a vessel owned by a Contracting Party and used by its Service Ministries while such vessel is being used in connexion with the operation of the North Atlantic Treaty, wherever such damage shall occur, and whether it is caused by a member or employee of the armed forces of any other Contracting Party or by a vessel owned by any other Contracting Party and used by its Service Ministries in connexion with the operation of the North Atlantic Treaty. Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salved was owned by a Contracting Party and being used by its Service Ministries in connexion with the operation of the North Atlantic Treaty.

(b) For the purpose of this paragraph the expression "owned by a Contracting Party" includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or otherwise in its possession (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party or its insurer).

2. In the case of damage caused as stated in paragraph 1 to other property owned by a Contracting Party, the issue of liability shall be determined and the amount of damage shall be assessed by an arbi-
tractor nominated by the receiving State, after consultation with any of the other Contracting Parties involved, and chosen from amongst its own nationals who hold or have held high judicial office, and shall be distributed in accordance with paragraph 4(e) (i) and (ii) below.

Nevertheless each Contracting Party waives its claim in any such case where the damage is less than:

<table>
<thead>
<tr>
<th>Country</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>B.fr. 70,000</td>
</tr>
<tr>
<td>Canada</td>
<td>$ 1,460</td>
</tr>
<tr>
<td>Denmark</td>
<td>Kr. 9,670</td>
</tr>
<tr>
<td>France</td>
<td>F.fr. 490,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Kr. 22,800</td>
</tr>
<tr>
<td>Italy</td>
<td>Li. 850,000</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>L.fr. 70,000</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Fl. 5,320</td>
</tr>
<tr>
<td>Norway</td>
<td>Kr. 10,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Es. 40,250</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>£ 500</td>
</tr>
<tr>
<td>United States</td>
<td>$ 1,400</td>
</tr>
</tbody>
</table>

In the case of considerable variations in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while in the performance of his official duties.

4. Claims (other than contractual claims) arising out of acts done by members of a force or civilian component in the performance of their official duties and causing damage to, or loss or destruction of, the property of persons or bodies, other than the Contracting Parties, in the territory of the receiving State, or the injury or death of individuals therein, shall be settled by the receiving State in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

(b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.

(c) Such payment, or the final adjudication of the competent tribunals of the receiving State denying payment, shall be binding and conclusive upon the Contracting Parties.

(d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (e) (i) and (e) (ii) below. In default of a reply within two months, the proposal shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the pre-
ceding sub-paragraphs shall be distributed between the Contracting Parties, as follows:

(i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25% chargeable to the receiving State and 75% chargeable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them. However, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

(iii) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

(iv) In cases where the application of the provisions of sub-paragraphs (b) and (e) would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.

(f) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

The provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo.

5. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not relating to the performance of their official duties shall be dealt with in the following manner. The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter. The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount. If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the Government of
the receiving State of their decision and of the sum paid. Nothing in
this paragraph shall affect the jurisdiction of the courts of the receiv-
ing State to entertain an action against a member of a force or of a
civilian component unless and until there has been payment in full
satisfaction of the claim.

6. If a dispute arises whether a tortious act or omission of a mem-
ber of a force or civilian component relates to the performance of his
duties, the question shall be submitted to an arbitrator appointed in
accordance with paragraph 2 of this Article, whose decision on this
point shall be final and conclusive.

7. The sending State shall not claim immunity from the jurisdict-
ion of the courts of the receiving State for members of a force or
civilian component in respect of claims not covered by the provisions
of the preceding paragraphs.

8. The authorities of the sending State and the receiving State
shall cooperate in the procurement of evidence for a fair hearing and
disposal of claims in regard to which the Contracting Parties are
concerned.

**Article IX**

1. Members of a force or of a civilian component and their depend-
ents may purchase locally goods necessary for their own consumption,
and such services as they may need, under the same conditions as the
nationals of the receiving State.

2. Goods which are required from local sources for the subsistence
of a force or civilian component shall normally be purchased through
the authorities which purchase such goods for the armed services of
the receiving State. In order to avoid such purchases having any
adverse effect on the economy of the receiving State, the competent
authorities of this State shall indicate, when necessary, any articles
the purchase of which should be restricted or forbidden.

3. After agreement between the authorised representatives of the
sending and receiving States, the authorities of the receiving State
shall assume sole responsibility for making suitable arrangements to
make available to a force or civilian component the buildings and
grounds which it requires, as well as facilities and services connected
therewith. These agreements and arrangements shall be, as far as
possible, in accordance with the regulations governing the accom-
modation and billeting of similar personnel of the receiving State. In
the absence of a specific contract to the contrary, the laws of the
receiving State shall determine the rights and obligations arising out
of the occupation or use of the buildings, grounds or facilities.

4. Local civilian labour requirements of a force or civilian com-
ponent shall be satisfied in the same way as the comparable require-
ments of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, their members and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

**Article X**

1. Where the incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise,
other than his employment as such member, in which he may engage in the receiving State.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.

**Article XI**

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2. The temporary importation and the re-exportation of service vehicles shall be authorised free of duty on presentation of a trip-tyle in the form shown in the Appendix to this Agreement. These vehicles shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. The authorities of a force may import free of duty the equipment for that force and reasonable quantities of provisions, supplies and other goods for the exclusive use of that force and, in cases where such use is permitted, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with the customs documents, of a certificate signed by an official of the sending State authorised for that purpose. The list of the officials authorised to sign the certificates, as well as specimens of their signatures and the stamps used, shall be sent to the customs authorities of the receiving State.

5. Members of a force or civilian component may at the time of first arrival to take up service in the receiving State import free of duty for the term of such service their personal effects and furniture.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.
7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component, are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 4, 5 or 6 above:
   (a) may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraph 4, 5 or 6 as the case may be;
   (b) shall not normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the customs authorities (for instance on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component may be delivered free of all duties and taxes.

12. In paragraphs 1–10 of this Article “duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be.

Article XII

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which
have been exported therefrom without payment of, or upon repayment of, taxes and duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

**Article XIII**

1. In order to prevent offences against customs and fiscal laws and regulations, the customs and fiscal authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component seized by the authorities of the receiving State in connexion with an offence against its customs or fiscal regulations shall be handed over to the appropriate authorities of the force concerned.

**Article XIV**

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

**Article XV**

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2, 4, and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree [to] such modifications as they may consider desirable regarding the application of the Agreement between them.
2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

Article XVI

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Treaty Organization.

Article XVII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the Chairman of the North Atlantic Council, who shall refer the request to the Council.

Article XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.
Article XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America, which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed the present Agreement.

Done in London this ______ day of __________, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

D–D(51) 58

Agreement on the Status of NATO, National Representatives and International Staff—Original Draft Submitted by the United Kingdom (1 March 1951)

Memorandum by the United Kingdom Deputy

At their meeting of 8 August 1950, the Council Deputies approved the report of the subcommittee set up to consider the question of the Status of NATO, National Representatives and International Staff, and agreed that the most satisfactory method of dealing with this problem would be for member Governments to conclude an international Agreement on the subject. The Deputies also agreed that the United Kingdom authorities should prepare the draft of such an Agreement.

This draft has now been drawn up, and a copy of it is attached.

References: D–R(51) 15 (2 March 1941); D–R(51) 20 (13 March 1951); MS–R(51) 7–9 (16–17 April 1951).
It largely follows the lines of the International Convention on Privileges and Immunities for the Specialized Agencies of the United Nations.  

It is my understanding that it was agreed by the Deputies at their meeting on 26 February 1951 that each Deputy would now forward the draft Agreement to his Government for the latter’s observations. A few weeks later a subcommittee or working group, composed of experts from all those Governments which wished to be represented, would be assembled to consider the comments of the various Governments and to draw up an agreed draft text for submission to Governments.

General Agreement on Privileges and Immunities of the North Atlantic Treaty Organisation

The States signatory to the present Agreement,

Considering that, for the exercise of their functions and the fulfillment of their purposes, it is necessary that the Council and its subsidiary bodies established under Article 9 of the North Atlantic Treaty, their officials and the representatives of Member States attending meetings thereof should have the privileges and immunities set out hereunder,

Have agreed as follows:

PART I.—GENERAL

Article 1

In the present Agreement,
(a) “the Council” means the organisation established by Article 9 of the North Atlantic Treaty including, unless the context requires otherwise, its subsidiary bodies;
(b) “subsidiary bodies” means the Council Deputies and any other organ or committee which, having been established by the Council, may from time to time be in existence;
(c) for the purposes of Part V, “representatives” means representatives and their alternates.

PART II.—PERSONALITY AND CAPACITY

Article 2

The Secretary of the Council shall co-operate at all times with the competent authorities of Member States to facilitate the proper ad-

2 33 UNTS 262 (21 November 1947).
ministration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges and immunities set out in the present Agreement.

**Article 3**

The Council shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

In these matters the Secretary of the Council shall, where appropriate, act on behalf of the Council.

**PART III.—PROPERTY, FUNDS AND ASSETS**

**Article 4**

The Council, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in so far as in any particular case it, or the Council Deputies on its behalf, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

**Article 5**

The buildings and premises of the Council shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference, whether by administrative, judicial or legislative action.

**Article 6**

The archives of the Council and in general all documents belonging to it or held by it shall be inviolable, wheresoever located.

**Article 7**

Without being restricted by financial controls, regulations or moratoria of any kind,

(a) the Council may hold currency of any kind and operate accounts in any currency;

(b) the Council may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency.
In exercising its rights under sub-paragraphs (a) and (b) above, the Council shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.

**Article 8**

The Council, its assets, income and other property shall be exempt:

(a) from all direct taxes; the Council will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;

(b) from all customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Council for its official use; articles imported under such exemption shall not be sold in the country into which they are imported, except under conditions approved by the Government of that country;

(c) from all customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

**Article 9**

While the Council will not as a general rule claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Council is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

**PART IV.—COMMUNICATIONS**

**Article 10**

No censorship shall be applied to the official correspondence and other official communications of the Council.

The Council shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council.
PART V.—
REPRESENTATIVES OF MEMBER GOVERNMENTS

Article 11

Representatives of Member States on the Council and its subsidiary bodies shall, while exercising their functions, enjoy the following privileges and immunities:

(a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and of acts done by them in their official capacity, immunity from legal process;
(b) inviolability for all papers and documents;
(c) the right to use codes and to receive papers or correspondence by couriers or in sealed bags;
(d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State in which they are visiting or through which they are passing in the exercise of their functions;
(e) the same facilities in respect of currency or exchange restrictions as are accorded diplomatic representatives of comparable rank;
(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic representatives of comparable rank;
(g) the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and on the termination of their functions in that country, to remove such furniture and effects free of duty to their future country of residence.

Article 12

In order to secure for the representatives of Member States at meetings of the Council and of its subsidiary bodies complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and of acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Article 13

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Member States at
meetings of the Council or of its subsidiary bodies are present in the
territory of a Member State for the discharge of their duties shall
not be considered as periods of residence. In particular, they shall be
exempt from taxation on their official salary and emoluments during
such periods of duty.

Article 14

Privileges and immunities are accorded to the representatives of
Member States, not for the personal benefit of the individuals them-

Article 15

The provisions of Articles 11 to 13 above shall not require any
State to grant any of the privileges or immunities referred to therein
to any person who is its national or is or has been its representative.

PART VI.—OFFICIALS OF THE COUNCIL

Article 16

The categories of officials of the Council to which this Part of the
Agreement applies shall be determined between the Secretary of the
Council and the Governments of Member States.

Article 17

Officials of the Council to whom this Part of the Agreement applies
shall:—

(a) be immune from legal process in respect of words spoken or
written or acts done by them, in their official capacity and
within the limits of their authority; they shall continue to be
so immune after completion of their functions as officials of
the Council;

(b) be exempt from taxation on the salaries and emoluments paid
to them in their capacity as such officials;

(c) be immune, together with their spouses and relatives dependent
on them, from immigration restrictions and aliens' registra-
tion;

(d) be accorded the same privileges in respect of currency or ex-
change restriction as are accorded to officials of comparable rank of diplomatic missions;

(e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as officials of comparable rank of diplomatic missions;

(f) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to remove such furniture and effects free of duty to their future country of residence.

Article 18

Officials of the Council to whom this Part of the Agreement applies shall be exempt from national service obligations; provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Secretary of the Council and approved by the Government concerned.

Should other officials be called up for national service, the Government concerned shall, at the request of the Secretary of the Council, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Article 19

Privileges and immunities are accorded to officials in the interests of the Council and not for the personal benefit of the individuals themselves. The Secretary of the Council shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Council. In the case of the Secretary of the Council, the Council, or the Council Deputies on its behalf, shall have the right to waive immunity.

PART VII.—EXPERTS ON MISSIONS FOR THE COUNCIL

Article 20

Experts (other than officials coming within the scope of Part VI) employed on missions on behalf of the Council shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions during the period of their
service, including the time spent on journeys in connexion with such service:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

(b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Council, immunity from legal process, such immunity to continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Council;

(c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) inviolability for all papers and documents relating to the work on which they are engaged for the Council.

**Article 21**

Privileges and immunities are accorded to experts in the interests of the Council and not for the personal benefit of the individuals concerned. The Secretary of the Council shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Council.

**PART VIII.—ABUSE OF PRIVILEGES**

**Article 22**

Representatives of Member States at meetings of the Council and of its subsidiary bodies, while exercising their functions and during their journeys to and from the place of meetings, officials to whom Part VI of this Agreement applies and experts to whom Part VII applies, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country, provided that:

(a) representatives of Member States shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic representatives accredited to that country;
(b) in the case of an official or expert no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the Secretary of the Council, and, if expulsion proceedings are taken against any such person, the Secretary shall have the right to appear in such proceedings on behalf of the person against whom they are instituted when they are of a judicial character, and when the matter is dealt with administratively he shall have the right to make representations in writing to the administrative authorities concerned.

PART IX.—SETTLEMENT OF DISPUTES

Article 23

The Council, or the Council Deputies on its behalf, shall make provision for appropriate modes of settlement of:

(a) disputes arising out of contracts or other disputes of private character to which the Council is a party;

(b) disputes involving any official of the Council, or any expert to whom Part VII of the Agreement applies, who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Articles 19 or 21.

PART X.—SUPPLEMENTARY AGREEMENTS

Article 24

The Council, or the Council Deputies on its behalf, may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned.

PART XI.—FINAL PROVISIONS

Article 25

The present Agreement shall remain open for signature by Member States of the Council and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America which will notify all signatory States of each such deposit.

As soon as nine signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect
of those States. It shall come into force, in respect of each other signatory State, on the date of the deposit of its instrument of ratification. Nevertheless, pending the entry into force of the Agreement, in accordance with the provisions of the preceding paragraph, the signatories agree, in order to avoid any delay in the efficient working of the Council, to apply it provisionally from the date of signature, so far as it is possible to do so under their respective constitutional systems.

In witness whereof the undersigned plenipotentiaries, being duly authorised to that effect, have signed the present Agreement.

Done at (place) this ______ day of (month, year) in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the United States of America, which will transmit a certified copy to each of the signatories.

**MS-D(51) 15**

**Status of Forces Agreement—Amendments Proposed by Canada (3 April 1951)**

1. The following are the views of the Canadian Government concerning the draft Agreement on the Status of NATO Armed Forces.  
2. Subject to further consideration with respect to existing bilateral arrangements with other parties to the North Atlantic Treaty, the Government of Canada is, in general, disposed to accept the text of the draft Agreement contained in D-D(51) 57, of 28 February, 1951, but has the following suggestions and comments to make on the details of the draft Agreement.  
3. It would be most desirable to confer on a receiving State a primary right to exercise jurisdiction over a member of a force or civilian component who carried out his superior's order in an unlawful manner which resulted in injury or damage. It is suggested that this might best be accomplished by substituting for the existing words in Article VII, paragraph 3(a)(ii), the following clause:

   "Acts or omissions done or omitted pursuant to an order issued by a military superior of that State and carried out according to the tenor thereof."

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1 Reference: D-D(51) 57 (28 February 1951). See also MS-R(51) 10-14 (19-24 April 1951). The paragraphs in the above document have been renumbered consecutively by the editor.
4. The following amendments to Article VII are also suggested in order to make the drafting conform:

(a) In paragraph 3(a)(i), delete the word, “offences,” wherever it occurs and substitute the words, “acts or omissions.”

(b) In paragraph 3(b), delete the word, “offences,” and substitute the words, “acts or omissions.”

(c) Delete paragraph 7, and substitute the following:

“7. Where an accused has been tried in respect of any act or omission by the authorities of one Contracting Party and has been acquitted or convicted and is serving or has served his sentence, he may not be tried again in respect of the same act or omission within the same territory by the authorities of another Contracting Party.”

(d) In order to provide against possible injustice to members of a force or civilian component serving in a territory which ascribes to an offense a more severe penalty than the sending State does, the following paragraph should be added to Article VII, possibly after paragraph 3:

“In any case where a court of the receiving State exercises jurisdiction over a member of a force or a civilian component of a sending State, the court shall, when passing sentence, take into account the penalty which would normally be imposed under the law of the sending State for a similar offence.”

5. In order to prevent possible abuse of privileges and to render administration easier, the term, “authorities of a force,” used in Article XI, paragraph 4, should be defined so that a single organization or individual will be responsible for certifying that an importer under the paragraph is entitled to free entry privileges under the Agreement.

6. Consideration should be given to allowing the free importation of personal effects and furniture at the time of first arrival of dependents of members of a force or civilian component as well as at the time of first arrival of the members themselves.

7. Consideration should be given to extending the tax exemptions of Article X to the dependents of members of a force or of a civilian component.

8. It would be desirable to include in the draft Agreement an Article in the following sense:

“The Contracting Parties agree that any reservations to this Agreement shall be made not later than the date of signature.”

9. There are, in addition, a number of smaller points of drafting which I will raise at the meeting of the Working Group on 16 April.
Status of Forces Agreement—Amendments Proposed by Portugal (4 April 1951)

ARTICLE I

1. Subparagraph (a). Proposed to add to this subparagraph, after "North Atlantic Treaty," the words "and who are not nationals of, nor ordinarily resident in, the State in which the force is located."

ARTICLE III

2. In paragraph 1, it is proposed that the words "and immigration inspection" be deleted.

ARTICLE V

3. It is proposed to add, at the end of the first sentence of paragraph 1, the words "but may wear civilian dress, on the same conditions as members of the forces of the receiving State."

ARTICLE VI

4. It is proposed that this Article be worded as follows (wording adopted for the Brussels Pact):

Members of a force shall be assimilated to the military personnel of the receiving State in the matter of the application of the laws and regulations relating to the possession and carriage of arms.

ARTICLE VII

5. For paragraph 1(a), the following wording is proposed:

The military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction over all members of their forces and of their civilian component, conferred on them by the law of the State.

6. Paragraph 3(a)(ii). It would be preferred to omit this subparagraph.

7. In paragraph 7, insert the word "duly" after "has been" and before "tried," and add the following sentence: "In the case of an offence punishable by a heavy sentence, the receiving State may

Reference: D-D(51) 57 (28 February 1951). See also MS-R(51) 10-14 (19-24 April 1951). The paragraph numbers in the above document have been added by the editor.
require the accused's removal, whether he has been convicted or acquitted."

**Article VIII**

8. In paragraph 1(a), insert "intentionally" after "caused" and before "by a member."

9. In paragraph 2 (second sentence), insert "has not been caused intentionally and" after "the damage" and before "is less than."

10. In paragraph 3, it is proposed that the following wording be adopted:

Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed forces, while the victim was engaged in the performance of his official duties.

11. In paragraph 4(e)(i), it is proposed that the percentages be fixed at 15% and 85%.

12. In paragraph 4(e)(ii), the following wording is proposed for the last part of this subparagraph: "However, if the receiving State is not one of the States responsible, its contribution shall amount to 10%, and in no case shall it be greater than half that of each of the sending States."

13. In paragraph 5, the following wording is proposed for the fourth sentence of this paragraph:

If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall send the appropriate amount to the authorities of the receiving State in order that the latter may make the payment.

**MS–D(51) 17**

**Status of Forces Agreement—Observations by the Belgian Government (5 April 1951)**

1. In view of the compromise nature of the draft Agreement on the Status of NATO Forces, the Belgian Government deem that they can agree to the general form and content of the draft. They nevertheless desire to see the text amended with respect to a number of points, as described below.

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1 Reference: D–D(51) 57 (28 February 1951). See also MS–R(51) 10–14 (19–24 April 1951). The paragraph numbers in the above document have been added by the editor.
Article I(e)

2. The definition of “receiving State” should mention the civilian personnel on an equal footing with the force.

Article IV(b)

3. As in subparagraph (a), it would appear advisable to mention not only the “driving permit,” but also “the military driving permit” issued by the sending State.

Article VI

4. The Belgian authorities suggest the addition of the following phrase: “Arms shall be carried in such a way that they are visible.”

Article VII

5. Paragraph 1(a). The Belgian Government propose that the words: “over all persons subject to the military law of that State” should be replaced by the following words: “over members of the force and civilian component of that State and over their dependents.”

In Belgian law, as in many other legislative systems, the fact of subjection to military law and the right of military courts to exercise jurisdiction are two distinct concepts which do not cover the same ground. It is inconceivable that military courts, sitting in the territory of another State, should not have the power to try persons under their jurisdiction, whether or not those persons are subject to military law, whenever the authorities of the receiving State waive the primary right to exercise jurisdiction.

If this proposal were accepted, it would be necessary to make similar amendments to subparagraph (b) of the same paragraph, and also to paragraph 2 of the same Article.

6. Paragraph 3(a). The text should specify over which persons the military authorities of the sending State have the primary right to exercise jurisdiction and should state explicitly that such persons are those who are subject to the military law of that State. It appears necessary to make a statement to this effect if the text is to be clear, on account of the fact that the persons over whom exclusive jurisdiction is exercised are not always the same in the various cases.

7. Paragraph 5(c). Whereas the English text describes the persons who are held in custody by the authorities of the sending State by the word “accused,” the French text specifies that such persons
are members of a force or civilian component. It would seem desirable that the same specification should also appear in the English text.

**Article VIII**

8. Paragraph 1(a). The terms “member or employee” might give rise to difficulties of interpretation. It would appear more logical to abide by the terminology of Article I.

**Article IX**

9. Paragraph 4. The last sentence in the French text should correspond to the English text and therefore read as follows: “Ces travailleurs civils employés par une force armée or par des civils faisant partie de cette force, ne sont considérés en aucun cas comme membres de cette force armée or comme personnel civil faisant partie de celle-ci.”

The Belgian authorities consider that this sentence clarifies the definition and bearing of the term “civilian component,” particularly as used in Article I and Article X.

**Article XI**

10. Paragraph 2. In the French text, the words “en franchise de tous droits et taxes” should be replaced by the words “en franchise des droits.”

11. Paragraph 3. In the French text, the words “sous pli scellé” and “conditions indiquées à l’article 2” should be replaced respectively by the words: “sous pli scellé d’un sceau officiel” and “conditions indiquées à l’article III.”

12. Paragraph 4. The words “an official” and “the officials” should be replaced respectively by the words “a person” and “the persons.”

13. Paragraph 5. The Belgian authorities consider that the text should return to the wording of document MS–D(51) 9, of 16 February 1951, with the exception of the last sentence.

14. Paragraph 6. In the French text, the words “peuvent bénéficier de la franchise des droits en cas d’importation temporaire de véhicules privés” should be replaced by the words “peuvent bénéficier de la franchise temporaire des droits en cas d’importation de véhicules privés.”

**Article XIII**

15. Paragraph 4. The Belgian Administration considers that this Article applies to the restitution of vehicles and articles belonging to the “force” or “civilian component,” but the text should be worded
in such a way that it does not imply the obligation to hand over the vehicles and articles belonging to members of the "force" or "civilian component."

16. The Belgian Government feel bound to point out that the wording of the French text could be improved and, moreover, that in some respects the French text differs from the English text. Discrepancies appear in the following Articles in particular:

IV (b); V, paragraph 2; VII, paragraph 5(a); X, paragraphs 1-2; XIII, paragraph 4.

The Belgian Government propose that a drafting committee should be charged with the revision of the French text and with its correction where necessary to reconcile it with the English text.

MS–D(51) 18

Status of Forces Agreement—Preliminary Observations by the Danish Government (5 April 1951) ¹

I. Proposed Amendment to Article VII.

1. The Danish Government assume that the sole purpose of the draft Agreement is to regulate the status of members of a "force" or a "civilian component" and, to a certain extent, of "dependents" of the Contracting Parties. It is, therefore, assumed that the jurisdictional provisions of the draft do not purport to grant any authority to exercise jurisdiction over any person who is not a member of its force or civilian component. This interpretation of Article VII is presupposed in the definition contained in Article I(f) of the draft, and in the provision in paragraph 8 of Article VII, which also seems to appear from NATO documents MS(J)–R(51) 6, paragraph 11.

In the opinion of the Danish Government there exists, however, the possibility that, apart from the context, the provisions in paragraph 1(a), paragraph 2 (1st subsection), and paragraph 3(b), might be interpreted as granting to the military authorities of the sending State the right to exercise jurisdiction (as regards paragraph 3(b), subsidiary jurisdiction) even over nationals and permanent residents of the receiving State, i.e., to the extent to which these

¹Reference: D–D(51) 57 (28 February 1951). See also MS–R(51) 10–14 (19–24 April 1951). The paragraph numbers in the above document have been added by the editor.
persons, in time of peace or war, come under the military law of the sending State. In order to clarify this matter beyond all doubt, the following alternative amendments to Article VII are submitted:

(a) In paragraph 1(a) and paragraph 2 (1st subsection), the words, "all persons subject to the military law of that State," and "persons subject to the military law of that State," should be substituted for by "members of their force or civilian component"; or
(b) In paragraph 1(a) and paragraph 2 (1st subsection), the words, "all persons" and "persons" should be substituted for by "members of their force or civilian component"; or
(c) A new paragraph should be inserted before the present paragraph 4:

"The above provisions shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or permanent residents in the receiving State, unless they are members of the forces of the sending State."

II. Points for Clarification and Elaboration.

Article III, par. 4

2. The second sentence of this paragraph raises the question of the action to be taken by the receiving State regarding deserters. It might be appropriate to include in this paragraph provisions specifying the right of the receiving State to detain and extradite to the sending State any deserters notified to the receiving State in accordance with the second sentence of this paragraph. It should also be clarified whether the receiving State is under any general obligation to detain and extradite such deserters, or whether such detention and extradition shall only take place on request.

Article VIII

3. There would appear to be some doubt about the scope of this Article, particularly whether the rules contained therein apply only to Government vessels proper or also to privately owned vessels operating under the authority of the NATO Defense Shipping Authority.

Article X

4. It is felt that paragraph 2 of this Article should be deleted. The taxation authorized in this paragraph would seem to be already
provided for in paragraph 1. If paragraph 2 is retained, the Danish Government would suggest that the wording of the paragraph be altered so as to indicate that nothing shall prevent the receiving State from levying taxes on members of a force or civilian component in accordance with the regulations governing the taxation of persons residing outside the receiving State. This might be done by inserting the words "e.g." between "shall" and "prevent."

**Article XI, par. 4**

5. This paragraph deals exclusively with the exemption from duty on equipment, etc., imported by forces into the receiving State. The question of compliance with other laws and regulations governing the import of goods would seem to merit further study by the Working Group.

**Article XI, par. 8(b)**

6. It is suggested that the words "the customs authorities" be amended to read: "the authorities concerned."

**MS–D(51) 19**

**Status of Forces Agreement—Observations by the French Government (7 April 1951)**

The French Government herewith signify their agreement to the general lines of the draft prepared on 28 February 1951, subject to a number of observations bearing on general and particular points, as follows.

**I. General Observations.**

1. In the course of the discussions of the Working Group, it was frequently recalled that the provisions regarding the Status of Forces prejudged neither questions relating to the entry or stationing of forces nor those relating to the facilities made available to those forces by the receiving State. Although it does not appear that any hesitation on this point was expressed by any member of the Working Group, the question arises whether it would not be advisable to recall in the draft Agreement on the Status the necessity

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1 Reference: D–D(51) 57 (28 February 1951). See also MS–R(51) 10–14 (19–24 April 1951). The paragraphs in the above document have been renumbered consecutively by the editor.
of entering into special agreements to settle problems of this kind.

2. The French Government fully appreciate the efforts which have been made, both in drawing up the draft itself and in recording the discussions, to establish an exact definition of the civilian component of the forces. While they are willing to grant such civilians the privileges which are provided by certain clauses of the Agreement and which are sometimes very considerable, the French Government consider that it would be very desirable to clarify this definition still further by specifying that the civilian component of a force should possess the nationality of the sending State.

3. The French text of D–D(51) 57 calls for a number of observations by the French Delegation, which do not affect the English text and will be communicated directly to the Secretariat.

II. Observations on Particular Points.

Article VI

4. Mention should be made of the possession of arms as well as of the carriage of arms, in order that members of a force be authorized not only to carry their arms but also to have them in their possession.

5. It would be advisable, — without it being necessary, however, to include a statement to that effect in the text of the Agreement,—to request SHAPE to draw up as comprehensive a set of regulations as possible concerning the carriage of arms, for the use of the forces of the various Parties to the Treaty, with a view to standardizing as far as possible the individual regulations dealing with the matter and thus to facilitating the application of the provisions of the Agreement.

Article VII, par. 7

6. It would appear to be consistent with justice and general legal principles, to regard the pardon of a convicted individual as equivalent to the fact that he has served his sentence.

Article VIII, par. 4

7. The specifications which appear in this paragraph regarding the type of damage or loss should in no case be restrictive, and moreover they are too indefinite. Furthermore, they are unnecessary, since subparagraph (a) refers to the laws and regulations of the receiving State in this connection; they are therefore liable to give rise to misunderstanding. In these circumstances, it would appear preferable to word paragraph 4 as follows: “Claims (other than
contractual claims) arising out of acts done by members of a force or civilian component in the performance of their official duties in the territory of the receiving State, shall be settled by the receiving State in accordance with the following provisions: . . ." The rest of the paragraph remains unchanged.

8. In order to avoid the difficulties of interpretation which might be raised by the following passage: "arising out of acts done by members of a force or civilian component in the performance of their official duties in the territory of the receiving State," the French Government would prefer to return to a wording similar to that contained in paragraph 1 of Article 8 of the Agreement signed in London on 21 December, 1949.

9. It would no doubt be preferable to state the procedure to be followed in the case of contractual claims.

**Article X**

10. The French Government are of the opinion that it would be advisable to reconsider whether it would not be better to follow the text of the Agreement of 21 December 1949 in listing the fiscal exemptions to be enjoyed by the persons covered by the Agreement, rather than to restrict the text, as in the present draft, to a statement of principle.

If, however, it was found unfeasible to make such a list, the French Delegation would wish to see included in the Summary Records a number of definitions which they would put forward in the course of discussion.

**Article XI**

11. In paragraph 4, the French Government would prefer to return to the original wording of this passage.

12. In paragraph 5, the French text differs from the English text in several respects.

**MS–D(51) 20**

**Status of Forces Agreement—Amendments Proposed by the United States (9 April 1951)**

1. The following are the present views of the United States Government concerning the draft Agreement on the Status of NATO Armed Forces.

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1 Reference: D–D(51) 57 (28 February 1951). See also MS-R(51) 10–14 (10–24 April 1951). The paragraphs in the above document have been renumbered consecutively by the editor.
2. In order to make the Agreement applicable to all military personnel on duty status in the North Atlantic Treaty area, substitute in Article I(a), for "in connexion with the operation of the North Atlantic Treaty," the phrase "in the North Atlantic Treaty area."

3. In Article I it should be made clear that provisions of the Agreement apply to political subdivisions of the Contracting Parties as well as to the central government.

Article III

4. In Article III, add after "issued by an appropriate agency of the sending State" the phrase "or of NATO." This provision takes into consideration that SHAPE Headquarters and perhaps other international commands will be directing their members on various missions.

5. In Article III, paragraph 4, omit "such" in the last sentence.

6. In paragraph 5, insert after "civilian component" the words "or a dependent."

Article VII

7. In Article VII, paragraph 1(b), add "or dependents" after "members of a force or civilian component."

8. In paragraph 2, delete "other" before "acts," in order to avoid ambiguity.

9. In the second subparagraph of paragraph 2, insert "or dependents" after "civilian component."

10. Strike bracketed phrase in paragraph 3(a)(ii). Paragraph 6(b) should be amended to read: "The authorities, etc., shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction and in which another party has an interest."

Article VIII

11. In Article VIII, paragraph 1, omit the designations "(a)" and "(b)" in order to avoid confusion in the reference to "paragraph" in the present paragraph 1(b).

12. In the first sentence of paragraph 1, change "service ministries" to "armed services."

13. Strike the first subparagraph of paragraph 2, and substitute therefor the following:

(a) In the case of damage caused as stated in paragraph 1 to other property owned by a Contracting Party and
located in its territory, it is agreed, unless the interested parties stipulated otherwise, that the issue of liability shall be determined, and the amount of damage shall be assessed, by a sole arbitrator selected in accordance with paragraph 2(b) of this Article.

(b) The Contracting Parties agree to establish within the framework of the North Atlantic Treaty Organisation a panel of jurists to be composed of designees of each Contracting Party. Claims presented pursuant to paragraph 2(a) of this Article shall be adjudicated by sole arbitrators drawn from such panel and selected by mutual agreement between the Governments of the interested parties. If the Governments are unable, within a reasonable time, to agree upon the selection, either may request the Chairman of the North Atlantic Council Deputies to make the selection from among members of the panel who are not designated by an interested party. The arbitrator shall perform his function at such time and places as may be necessary to adjudicate the claim.

(c) The arbitrator shall adjudicate the claim in accordance with applicable laws, including international law.

(d) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

(e) The amount of any compensation awarded shall be distributed in accordance with the provisions of paragraph 4(e)(i) and (ii) below.

(f) The compensation of the arbitrator shall be fixed by agreement between the interested parties and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by the parties concerned.

14. Designate the present second subparagraph of paragraph 2 as "2(g)."

15. In paragraph 4(e)(ii), strike "half that of the sending State," and substitute: "the same as specified in paragraph (i) above."

16. In paragraph 4(f), the United States would prefer that members of a force or civilian component be immune from suit if a case can be adjudicated without joinder of the individual as a party.

17. Strike the second subparagraph of paragraph 4(f), and add to paragraph 4 the following provisions:

(g) Each Contracting Party will assume, process, and pay all claims of its nationals, including vessels flying its flag, for
damages arising out of any maritime incident, including damage by vessels to land structures, caused by the public vessels of any other Contracting Party, wherever such claims for damages may arise.

The assumption of claims, arising out of any maritime incident, shall apply and be paramount in any situation where any vessel involved shall be engaged in any activity connected with or arising out of the operation of the North Atlantic Treaty, including situations where the other vessel or damaged property is not being utilised in connexion with the North Atlantic Treaty.

The representations of any Contracting Party involved, as to what vessels are its public vessels and whether they are engaged in any activity arising out of the North Atlantic Treaty, shall be conclusive.

The cost incurred in the assumption of claims involving maritime incidents shall be distributed between the Contracting Parties in the same manner as is specified for the distribution of assumed claims under paragraph 4 of this Article. The State of which the claimant is a national shall be considered the “receiving State.”

The nationals of a “receiving State” shall, in any maritime incident where the receiving State is obligated by this Agreement to assume and process the claim arising out of the maritime incident, have no right of action in the courts of any other Contracting Party arising out of such incident.

18. Paragraph 7 should be omitted.

Article X

19. In paragraph 1, insert the word “legal” before “incidence.”

Article XI

20. In Article XI, paragraph 2, insert after “service vehicles” the words, “under their own power.”

21. Add as the second sentence of paragraph 2: “The temporary importation of such vehicles not under their own power shall be governed by paragraph 4, and the exportation thereof by paragraph 8, of this Article.”

22. The United States feels that the permission for forces to enter any country includes permission to bring its equipment; and to obviate any inference that this is not necessarily true, the United States wishes to strike the words, “the equipment for that force and,” in the first sentence of paragraph 4.

23. In paragraph 4, after the words, “for the exclusive use of that
force," insert "or sale to members of that force," and correspondingly insert after "where such use" the words, "or sale," in the same sentence.

24. In paragraph 8, insert the number "2" before "4, 5, or 6" in both places where those numbers are used.

25. Add to Article XI the following two new paragraphs:
"13. The provisions of this Article shall apply to persons or things in transit as well as those located in the territory.
"14. Whenever the context permits in this Article and whenever such interpretation is consistent with the revenue laws of the receiving State, the word, 'imported,' shall include [goods] withdrawn from customs bonded warehouses or continuous customs custody."

Articles XV-XVII

26. In Article XV, insert between "agreement" and "such modifications" the word, "to."


28. In Article XVII, change the second sentence to read: "the request should be addressed to Chairman of the Council Deputies of the North Atlantic Treaty Organisation."

Article XIX

29. In the last paragraph of Article XIX, substitute "Washington" for "London." It is our view that, since the United States is to be a depository of the Convention, signature should be in Washington following approval.

Other Points

30. The United States views on one or two other points are not yet fully formulated but will be circulated, should present wording not be acceptable.

31. In Article X, add new paragraph reading as follows:
"4. For the purposes of this Article, the term, 'members of a force,' shall not include persons who are nationals of the receiving State."

MS-D(51) 21

Status of Forces Agreement—Remarks and Amendments Submitted by the Netherlands (10 April 1951) ¹

¹ Reference: D-D(51) 57 (28 February 1951). See also MS-R(51) 10-14 (19-24 April 1951).
ARTICLE I (a)

1. In special cases there might be some doubt about the meaning of the words "in connexion with the operation of the North Atlantic Treaty." The Netherlands Delegation feels that in such cases the procedure mentioned in Article XVI should be applied.

ARTICLE VII

2. Amend by adding, after paragraph 5(c), the following:

The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provisions of this Article within the territory of the receiving State.

3. Amend, by adding at the end of paragraph 6(a), the following sentence: "The handing over of the exhibits and of the objects seized may, however, be made subject to their return within the time specified by the authority delivering them."

ARTICLE VIII

4. In Article VIII, par. 1(a), read the second sentence ("Such waiver shall extend . . .") as follows:

As far as vessels are concerned, such waiver shall only apply to men-of-war used in connexion with the operation of the North Atlantic Treaty, wherever such damage shall occur, and whether it is caused by a member or employee of the armed forces of any other Contracting Party or by a man-of-war owned by any other Contracting Party and used in connexion with the operation of the North Atlantic Treaty.

Also, in paragraph 1(a) delete the last sentence ("Claims for maritime salvage . . .").

The Netherlands Delegation has the opinion that the waiver of claims under paragraph 1 of this Article should be confined to men-of-war. The following objections must be made against the extension to all vessels on bare boat charter:

(a) These matters fall outside the scope of this Agreement dealing only with the status of members of forces and civilian components.

(b) These matters are to be dealt with in an agreement to be drafted by the Ocean Shipping Planning Board of NATO.
Article IX

5. The Netherlands Delegation deems it necessary that provisions be made concerning the way in which a force is to be supplied with local currency without disturbing the monetary balance in the receiving State. An amendment concerning this matter will be tabled in due time.

Article X

6. In paragraph 1 of Article X, read the last part of the first sentence as follows: “... shall not be considered as periods of residence therein or as creating a change of residence or domicile, for the purposes of such taxation.”

In the second sentence of paragraph 1, replace the word “paid” by “granted.”

Delete paragraph 2 of Article X.

Article XV

7. In paragraph 1 of Article XV, replace the words “paragraphs 2, 4 and 5” by “paragraphs 2 and 4.” The Netherlands Delegation has the opinion that the expression “war damage” never includes tortious acts or omissions not relating to the performance of the official duties of a force.

MS–D(51) 22

Status of Forces Agreement—Comments of the United Kingdom Government (11 April 1951) ¹

1. The United Kingdom Government are prepared to accept in principle the draft Agreement on the Status of North Atlantic Treaty Organization Forces. They have, however, the following amendments to suggest.

Article III

2. In paragraph 5, after the words “civilian component,” add: “or a dependent of such member.”

¹Reference: D–D(51) 57 (28 February 1951). See also MS–R(51) 10–14 (19–24 April 1951). The paragraph numbers in the above document have been added by the editor.
Article VII

3. Paragraph 1(a) should be amended on the lines suggested in the comments of the Danish Government.2

4. Paragraph 2 as it stands would confer on the sending State exclusive jurisdiction over an offense relating to its security, notwithstanding that that offense might be punishable by the law of the receiving State as well as by that of the sending State. We would therefore suggest that the paragraph should be redrafted as follows:

The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences relating to the security of the sending State, punishable by the law of that State, but not by the law of the receiving State.

The words “or security” should then be inserted after the words “against the property” in paragraph 3(a)(i).

5. It is proposed that paragraph 8(e) of Article VII should be redrafted as follows: “to have legal representation of his own choice for his defence, or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State.”

6. In paragraph 9, it is suggested that the words “such units or formations” at the end of the paragraph should be replaced by the words “the force.”

Article VIII

7. As at present drafted, paragraph 1(a) would operate unfairly. For instance, in the event of a collision between a vessel owned by one Contracting Party and used by its Service Ministries which was engaged on NATO duties, and a similar vessel of another Contracting Party engaged on non-NATO duties, the latter Government would be obliged to waive its claims for damage, whereas the former could claim in the ordinary way. In order to make the waiver provided for fully reciprocal, the following amendment is proposed:

Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its Service Ministries (land, sea or air) caused either:

(i) by a member or an employee of the armed forces of any Contracting Party, provided that such damage was caused by such

2 See MS-D(51) 18, par. 1 (5 April 1951).
member or employee in the execution of his duties in connexion with the operation of the North Atlantic Treaty; or (ii) by a vehicle, vessel or aircraft owned by a Contracting Party and used by its Service Ministries, provided either that the vehicle, vessel or aircraft causing the damage was being used in connexion with the operation of the North Atlantic Treaty or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salved was owned by a Contracting Party and being used by its Service Ministries in connexion with the operation of the North Atlantic Treaty.

8. Since the definition contained in paragraph 1(b) applies to paragraph 2 as well as to paragraph 1, this subparagraph 1(b) should become paragraph 3 and be amended to read: “For the purposes of paragraphs 1 and 2 of this Article, the expression . . .” Paragraphs 3 onwards would then be renumbered accordingly.

9. It is suggested that the second sentence of paragraph 4(f) should become subparagraph (g) with the addition, after the words “discharge of cargo,” of the words “other than claims for death or personal injury to which paragraph 4 above does not apply.”

10. In paragraph 7, after the words “civilian component” change the sentence to read: “in respect of the civil jurisdiction of the courts of the receiving State, except as is provided by the preceding paragraphs of this Article.”

**Article IX**

11. In paragraph 5, before the word “members” substitute “its” for “their.”

**Article XI**

12. The provisions in paragraph 8(b), for disposal of goods imported free of duty, should presumably apply also to service vehicles under paragraph 2.

13. The definition of “duty” in paragraph 12 should apply also to paragraph 11, and it is suggested that paragraph 12 should be reworded so as to begin: “For the purposes of this Article. . .”

**Article XVIII**

14. As it is not known in what circumstances other States might accede to the North Atlantic Treaty, it is suggested that accession to the present Agreement should be made subject to conditions laid down by the Contracting Parties in the light of circumstances at the
time. This could be done by amending the first sentence of paragraph 3 to read:

After it has come into force, the present Agreement shall, subject to the approval of the Contracting Parties and to such conditions as they may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty.

**Article XX (new)**

15. The United Kingdom Government cannot commit Colonial Governments to this Agreement without their consent. As consultation with these Governments may take some time, the addition of a "Colonial Application" Article is proposed as follows:

1. Any State may, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend to all or any of the territories for whose international relations it is responsible, and the Agreement shall extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or when it has come into force under Article XVIII, whichever is the later.

"2. A State which has made a declaration under paragraph 1 of this Article extending the present Agreement to any territory for whose international relations it is responsible, may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX."

16. In addition to this Article, the following definition of "territory" should be included in Article I: "Territory in relation to a State means the metropolitan territory of that State and any of its territories to which the Agreement has been extended under Article XX."

**MS-D(51) 23**

Status of Forces Agreement—Note by the French Representative on Application of the Agreement to Troops on the Staff of SHAPE (16 April 1951)

At its meeting of 27 February, 1951 (MS-R(51) 6, par. 18), the Working Group requested the French Representative to obtain infor-
nition on a number of problems which were connected with the draft Agreement on the Status of Forces under consideration and concerned SHAPE.

1. The first question related to the application to SHAPE of the provisions of the Agreement [on the Status of Forces] in course of preparation.

The French Delegation is able to state on this point that the French Government and SHAPE agree to apply in principle the Agreement on the Status to be established for the armed forces of the North Atlantic countries. Nevertheless, the automatic application to the case of SHAPE of this Agreement on the Status would encounter a number of difficulties due to the fact that SHAPE is an integrated Headquarters forming a separate entity, the members of which are not responsible to the same national authority. In these circumstances, it will be necessary, without altering in any way the general sense of the Agreement on the Status [of Forces] to lay down the special provisions called for in the case of SHAPE by means of a special agreement between the French Government and the Supreme Commander. It is pointed out, as an example, that the provisions appearing in Article VII of the draft Agreement give rise to difficulties in the case of SHAPE, which are often particularly difficult to solve.

These questions are at present under consideration in Paris. If such is the wish of the members of the Working Group, the French Delegation is prepared to give them further information on the progress of those talks before the close of the Working Group’s own discussions.

2. At the request of the Canadian Representative in particular, the Working Group expressed the desire to know whether it was SHAPE’s intention to have internal legislative measures worked out with a view to placing at the disposal of an integrated command forces or individuals belonging to the various national armies.

For the time being, as regards the arrangements whereby such forces or individuals are placed at the disposal of the Supreme Commander by the countries concerned, the existing situation seems to be acceptable. The question whether the position should be examined in the way suggested above will be considered when the organization of SHAPE reaches a stage which makes this possible.

3. The Working Group has been asked whether the possibility of setting up special inter-allied military courts was under consideration. The reply is in the negative.
MS–D(51) 24

Agreement on the Status of NATO, National Representatives and International Staff—Amended Version of Articles 1-9 of the Draft (16 April 1951) ¹

Draft Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff

The States signatory to the present Agreement,
Considering that, for the exercise of their functions and the fulfilment of their purposes, it is necessary that the North Atlantic Treaty Organisation, its officials and the representatives of Member States attending meetings thereof should have the status set out hereunder,
Have agreed as follows:

PART I.—GENERAL

Article 1

In the present Agreement,
(a) "the Organisation" means the North Atlantic Treaty Organisation, consisting of the Council established under Article 9 of the North Atlantic Treaty and its subsidiary bodies;
(b) "the Council" means the Council established under Article 9 of the North Atlantic Treaty or any person or body authorised to act on its behalf;
(c) "subsidiary bodies" means the Council Deputies and any other organ, committee or service which, having been established by the Council, may from time to time be in existence;
(d) for the purposes of Part V, "representatives" means representatives and their alternates.

Article 2

The Organisation shall co-operate at all times with the competent authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connexion with the privileges and immunities set out in the present Agreement.

¹This draft incorporates the amendments to D–D(51) 58 (1 March 1951) which were proposed at the meeting reported in MS–R(51) 7 (16 April 1951). The present redraft was not the basis for any discussions by the Working Group, having been superseded by MS–D(51) 25 (20 April 1951).
PART II.—PERSONALITY AND CAPACITY

Article 3

The Organisation shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property, and to institute legal proceedings.

The Council shall act on behalf of the Organisation in these matters.

PART III.—PROPERTY, FUNDS AND ASSETS

Article 4

The Organisation, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in so far as in any particular case the Council, acting on behalf of the Organisation, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

Article 5

The premises of the Organisation shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, appropriation or any other form of interference.

Article 6

The archives of the Organisation and in general all documents belonging to it or held by it shall be inviolable, wherever located.

Article 7

Without being restricted by financial controls, regulations or moratoria of any kind,

(a) the Organisation may hold currency of any kind and operate accounts in any currency;

(b) the Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency.

In exercising its rights under sub-paragraphs (a) and (b) above, the Organisation shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.
Article 8

The Organisation, its assets, income and other property shall be exempt:

(a) from all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;

(b) from all customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use; articles imported under such exemption shall not be sold in the country into which they are imported, except under conditions approved by the Government of that country;

(c) from all customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article 9

While the Organisation will not as a general rule claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Organisation is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

MS-D(51) 25

Agreement on the Status of NATO, National Representatives and International Staff—Revised Version of Draft (20 April 1951) 1

Draft Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff

The States signatory to the present Agreement, Considering that, for the exercise of their functions and the fulfilment of their purposes, it is necessary that the North Atlantic Treaty Organisation, its officials and the representatives of Member States attending meetings thereof should have the status set out hereunder, Have agreed as follows:

1 Reference: D–D(51) 58 (1 March 1951); MS–D(51) 24 (16 April 1951). The present revision was prepared by the Chairman of the Working Group in the light of the discussions recorded in MS–R(51) 7–9 (16–17 April 1951). See also MS–R(51) 17 (30 April 1951) for discussion of the present text.
PART I.—GENERAL

Article 1

In the present Agreement,
(a) "the Organisation" means the North Atlantic Treaty Organisation, consisting of the Council established by Article 9 of the North Atlantic Treaty and its subsidiary bodies;
(b) "subsidiary bodies" means the Council Deputies and any other organ, committee or service which, having been established by the Council, may from time to time be in existence.

Article 2

Where any duty is imposed or any right or power conferred on the Council by the present Agreement, the duty may be performed, and the right or power may be exercised by the Council or by any other person or body authorised to act on its behalf.

Article 3

The present Agreement shall not apply to the Standing Group established to serve the Military Committee of the Organisation, nor to the Supreme Headquarters Allied Powers in Europe, nor to any force or civilian component to which the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces applies.

Article 4

The Organisation shall co-operate at all times with the competent authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connexion with the immunities and privileges set out in the present Agreement. If any State party to this Agreement considers that there has been an abuse of any immunity or privilege conferred by the Agreement, consultations shall be held between that State and the Organisation to determine whether any such abuse has occurred, and, if so, to attempt to ensure that no repetition occurs.

PART II.—PERSONALITY AND CAPACITY

Article 5

1. The Organisation shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of

2 This new Article has been inserted because the definition of "the Council" previously agreed was not appropriate in Part V [footnote in original text].
movable and immovable property, and to institute legal proceedings.

2. The Council shall act on behalf of the Organisation in these matters.

PART III.—PROPERTY, FUNDS AND ASSETS

Article 6

The Organisation, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in so far as in any particular case the Council, acting on behalf of the Organisation, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

Article 7

The premises of the Organisation shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, appropriation or any other form of interference.

Article 8

The archives of the Organisation and in general all documents belonging to it or held by it shall be inviolable, wherever located.

Article 9

1. Without being restricted by financial controls, regulations or moratoria of any kind,

   (a) the Organisation may hold currency of any kind and operate accounts in any currency;

   (b) the Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency.

2. In exercising its rights under paragraph 1 above, the Organisation shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.

Article 10

The Organisation, its assets, income and other property shall be exempt:

   (a) from all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;
(b) from all customs duties and prohibitions and restrictions on imports and exports in respect of articles required by the Organisation for its official use; articles imported under such exemption shall not be sold in the country into which they are imported, except under conditions approved by the Government of that country.

(c) from all customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

**Article 11**

While the Organisation will not as a general rule claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Organisation is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

**PART IV.—COMMUNICATIONS**

**Article 12**

The Organisation shall enjoy in the territory of each Member State, for its official communications, treatment at least as favourable as that accorded by the Government of that State to the diplomatic missions of any other Government in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephones, and other communications and press rates for information to the press and radio, except in so far as such treatment would be contrary to the terms of the International Telecommunications Convention.

**Article 13**

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council.
PART V.—REPRESENTATIVES OF MEMBER STATES

Article 14

[Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another Member State and such resident members of his official staff as may be agreed upon between the Governments of these States shall enjoy the immunities and privileges normally accorded to diplomatic representatives and their retinue of comparable rank.

Article 15

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 14 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

   (a) the same immunity from personal arrest or detention and from seizure of his personal baggage as is accorded to diplomatic representatives of comparable rank;
   (b) in respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;
   (c) inviolability for all papers and documents;
   (d) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
   (e) exemption in respect of himself and his spouse from immigration restrictions, alien registration or national service obligations in the State which he is visiting or through which he is passing in the exercise of his functions;
   (f) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic representatives of comparable rank;
   (g) the same immunities and facilities in respect of his personal baggage as are accorded to diplomatic representatives of comparable rank.

2. Where the incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation on his official salary and emoluments during such periods of duty.

3. In order to secure for the representatives of Member States,

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3 The complete text of Articles 14–18 is enclosed in one set of square brackets in the original text.
at meetings of the Council or any of its subsidiary bodies, complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

4. In this Article, "representatives" shall be deemed to include all representatives, alternates, and technical experts of delegations.

**Article 16**

Official secretarial staff accompanying a representative of a Member State who are not covered by Articles 14 and 15 shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1(b), (c), (e) and (f), and paragraph 2 of Article 15.

**Article 17**

Privileges and immunities are accorded to the representatives of Member States and their staffs, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the North Atlantic Treaty. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representatives and members of their staffs in any case where, in its opinion, the immunity would impede the course of justice and where it can be waived without prejudice to the purposes for which the immunity is accorded.

**Article 18**

The provisions of Articles 14 to 16 above are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative or on the staff of a representative.

**PART VI.—OFFICIALS OF THE COUNCIL**

**Article 19**

The categories of officials to which this Part of the Agreement applies shall be agreed between the Chairman of the Council Deputies and the Governments of Member States. The Chairman of the Council Deputies shall communicate to Member States the names of the officials included in these categories.
Art. 20

Officials of the Organisation to whom this Part of the Agreement applies shall:

(a) be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;
(b) be exempt from taxation on the salaries and emoluments paid to them in their capacity as such officials and from social security assessments;
(c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;
(d) be accorded the same privileges in respect of currency or exchange restrictions as are accorded to officials of comparable rank of diplomatic missions;
(e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as officials of comparable rank of diplomatic missions;
(f) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question and, on the termination of their functions in that country, to remove such furniture and effects free of duty to their future country of residence.

Art. 21

In addition to the immunities and privileges specified in Art. 20, the Chief of the International Staff of the Organisation, the Coordinator of North Atlantic Defence Production, and any other permanent official of the same rank agreed between the Chairman of the Council Deputies and the Governments of Member States, shall be accorded in respect of himself, his spouse and children under the age of 21 the privileges and immunities normally accorded to diplomatic representatives of comparable rank.

Art. 22

Privileges and immunities are granted to officials in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of
justice and may be waived without prejudice to the interests of the Organisation.

PART VII.—EXPERTS ON MISSIONS FOR THE ORGANISATION

Article 23

Experts (other than officials coming within the scope of Part VI) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions during the period of their service, including the time spent on journeys in connexion with such service:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;
(b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;
(c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;
(d) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

Article 24

Privileges and immunities are granted to experts in the interests of the Organisation and not for the personal benefit of the individuals concerned. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organisation.

PART VIII.—SETTLEMENT OF DISPUTES

Article 25

The Council shall make provision for appropriate modes of settlement of:

(a) disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;
(b) disputes involving any official of the Organisation to whom Part VI of this Agreement applies, or any expert to whom Part VII applies, who by reason of his official position enjoys
immunity, if immunity has not been waived in accordance with the provisions of Articles 22 or 24.

PART IX.—SUPPLEMENTARY AGREEMENTS

Article 26

The Council may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned. The Council shall inform all Member States of any agreements concluded under this Article.

PART X.—FINAL PROVISIONS

Article 27

1. The present Agreement shall remain open for signature by Member States of the Organisation and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America, which will notify all signatory States of each such deposit.

2. As soon as six signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State on the date of the deposit of its instrument of ratification. Nevertheless, pending the entry into force of the Agreement, in accordance with the provisions of the preceding paragraph, the signatories agree, in order to avoid any delay in the efficient working of the Organisation, to apply it provisionally from the date of signature, so far as it is possible to do so under their respective constitutional systems.

In witness whereof the undersigned plenipotentiaries, being duly authorised to that effect, have signed the present Agreement.

Done at (place) this ______ day of (month, year) in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a certified copy to each of the signatories.

MS–D(51) 27

Status of Forces Agreement—Article IX and Requisitions on Allied Territory in Wartime (23 April 1951) ¹

¹ Reference: D–D (51) 57 (28 February 1951).
Dear Mr. Charlton,

Thank you for your letter of 6th April and for sending document D-D(51) 57 concerning the Status of the NATO Armed Forces.

Paragraphs 1–7 of Article IX are relevant to the points which this Organization would like to be studied, but cover them only partly and in very broad terms. I think a more complete and detailed study would be necessary.

I send you herewith a draft report which was prepared in this Organization when the problem was being studied on a Brussels Treaty basis. The study was discontinued and the document I am sending to you has never been approved. It should not, therefore, be considered as an official document. I thought it might help to show what points this Organization had in mind.

In case the Working Party in charge of studying the “Status of Armed Forces” wants some more information, I am sure this Organization would be quite prepared to send a member of its Administrative Planning Division to one of the meetings of the Working Party.

Yours sincerely,

/s/ J. Fauchon de Villeplée.

WESTERN UNION DEFENCE ORGANIZATION
MILITARY COMMITTEE

REQUISITIONS ON ALLIED TERRITORY IN WAR TIME

(Draft Report by the Administrative Planning Division)

1. The Military Committee will remember that the programme of work of the Administrative Planning Division, approved by the Principal Administrative Planning Committee and by the Military Committee includes the problem of requisitions, in war time, in a country of Western Union, and for the benefit of Allied Forces.

2. The problem with which we are faced is that of finding the easiest and most practical means of permitting the forces of an Allied Power, operating outside its own territory, or an inter-allied organization, to obtain locally the necessary means to live, move and fight—whether lodgings, buildings, work-shops, means of transport, port facilities, local resources, labour, etc.
3. This problem has several aspects:
   (a) The legal aspect;
   (b) The aspect of procedure;
   (c) The financial aspect.

**The Legal Aspect**

4. The legal aspect comprises essentially the limits to which the right to requisition may be applied in accordance with the laws and regulations in force in each country, or in accordance with international agreements.

5. Previous documents have already defined a number of principles relating to the placing of facilities by one country at the disposal of the forces of an allied country, and to the method of carrying out the necessary requisitions. As regards the latter, it has been recognized that any requisition would be made through the medium of some authority or liaison officer of the supplying country.

6. Under these conditions, we consider that the legal aspect of the requisition problem is essentially a national problem which in itself does not justify a special study.

7. However, it should be noted that, in accordance with the terms of paragraph 12(d) and 16(c) of M.D.(50) 13, the Operational Command in the Combat Zone has in certain circumstances the right to call upon local resources, with certain exceptions to be defined. In our opinion the legal aspect of this special problem could be included in the general study of the question of the status of inter-allied organizations and Armed Forces of one country stationed on duty in wartime in the territory of another Western European Power.

8. We are of the opinion that the Brussels Treaty Permanent Commission might be requested to study this question in a similar way to that of the Status of members of the Armed Forces of the Brussels Treaty Powers in peace time. This conforms with the recommendations at paragraph 18(b) of M.D.(50) 13, and the attention of the Permanent Commission should be drawn to the special problems raised at paragraph 7 above.

**Procedure**

9. We consider it important that the Forces of an Allied Power should know in advance the procedure to be followed for obtaining, by local requisition, within the frame-work of international agreements and regulations in force, the necessary means to live, move and fight on the territory of another Power of the Western Union.

10. In addition, as allied units may be called upon to move fre-
quentlly from one country of Western Union to another, it is of great importance that there should be common procedure and not several different ones. This procedure should cover, among others, the following points:

(a) Adoption of trilingual forms common to the Five Powers for the various types of requisitions.
(b) Definition of the respective responsibilities of the National and Allied Authorities in questions such as placing and fulfilling of demands, survey of condition, inventories, assessments and claims, etc.
(c) Provision for the accounting for requisitions on behalf of an allied unit or inter-allied organisation.

11. We consider that this problem should be studied by a “Working Party” composed of specialists from the different countries of Western Union.

Financial Aspect

12. The financial aspect of the problem of inter-allied requisitions comes within the scope of general agreements governing the total financing of war.

13. To our knowledge, this problem has not yet been tackled and is definitely outside the scope of our organisation.

14. We consider that the practical side of the problem of inter-allied requisitions can be dealt with before the means of financing have been decided upon.

15. We have drafted the terms of reference of the Working Party referred to at paragraph 11 above. These are in the Annex.

Recommendations

16. We recommend that:

(a) The Military Committee approve this report with the attached terms of reference and instruct the Administrative Planning Division to supervise the activities of the Working Party.
(b) The Heads of Delegations request their National Authorities to appoint the specialists on this Working Party.
(c) The Military Committee invite the Joint American Military Advisory Group to take part in these studies, since the United States forces may be directly concerned in the solution of these problems.
(d) The Military Committee invite the Permanent Commission to define the legal aspects of the right of requisitioning for the Allied Forces, when they study the question of the status
in war time of inter-allied organizations and of the Armed Forces of one country operating on the territory of another Western European Power.

Annex (Terms of Reference)

1. A Working Party composed of specialists in matters of requisition, representing the Five Powers, responsible to the Military Committee, will function under the direction of the Administrative Planning Division.

2. The task of this Working Party is to suggest a practical procedure, common to the Five Powers, whereby, within the frame-work of international agreements, the Allied Forces of one Power operating on the territory of another Power may obtain locally the necessary means to live, move and fight, whether it be lodgings, buildings, work-shops, means of transport, port facilities, local resources, labour, etc.

3. The task of the Working Party will be governed by the principles which have already been defined, and in particular by F.C.(49) 21, relating to Logistic Principles, and by M.D.(50) 13, relating to the division of responsibilities in war.

4. The Working Party is not required to define the legal aspect of the problem, nor to study the means of financing inter-allied requisitions. However it is recommended that the "Working Party" first check whether existing national legislation authorizes requisitioning for the benefit of National or Allied Forces. Certain assumptions may, if necessary, be made regarding the method of financing. If so made, the assumptions should be clearly stated.

5. The study of the procedure to be applied will cover, among others, the following points:

(a) Deciding on trilingual forms, common to the Five Powers, for the various types of requisitions.

(b) Defining the respective responsibilities of the National and Allied Authorities in matters of survey of condition, inventories, assessments and claims, etc.

(c) Providing for the accounting for requisitions on behalf of an allied unit or inter-allied organization.

*  *  *  *  *  *  *  *

MS–D(51) 28

Status of Forces Agreement—Revised Draft (27 April 1951) ¹

¹ Reference: D–D(51) 57 (28 February 1951) for previous text; MS–R(51) 18 (1 May 1951) for discussion of present version.
Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Desiring to define the status of such forces while in the territory of another Party;

Bearing in mind, however, that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned;

Have agreed as follows:

Article I

In this Agreement the expression—

(a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;

(b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located;

(c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

(d) "sending State" means the Contracting Party to which the force belongs;

(e) "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;

(f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to
enforce the military law of that State with respect to members of its forces or civilian components;

(g) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

**Article II**

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

**Article III**

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

   (a) personal identity card issued by the sending State, showing names, date of birth, rank and number (if any), service, and photograph;

   (b) individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate authority of the sending State or of the North Atlantic Treaty Organisation and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or of a civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the
receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than 21 days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall not apply to nationals of the receiving State.

**Article IV**

The receiving State shall either

(a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or

(b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

**Article V**

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

**Article VI**

Members of a force may possess and carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.
Article VII

1. Subject to the provisions of this Article,
   (a) the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;
   (b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. (a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.
   (b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.
   (c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include:
   (i) treason against that State;
   (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
   (a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to
      (i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;
      (ii) offences arising out of any act or omission done in the performance of official duty.
   (b) In the case of any other offence the authorities of the re-
The following provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the forces of the sending State.

5. A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

6. (a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

(d) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provisions of this Article within the territory of the receiving State.

7. (a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases,
the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

8. Where an accused has been tried by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the authorities of a sending State from trying a member of its force for any violation of rules of discipline involved in the offence, but any finding favourable to the accused in the first trial shall be *res judicata* and any sentence pronounced in the first trial, whether or not executed, shall be taken into account.

9. Whenever a member of a force or civilian component is prosecuted under the jurisdiction of a receiving State he shall be entitled:
   (a) to a prompt and speedy trial;
   (b) to be informed in advance of trial of the specific charge or charges made against him;
   (c) to be confronted with the witnesses against him;
   (d) to have compulsory process for obtaining witnesses in his favour, if within the jurisdiction of the receiving State;
   (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;
   (f) if he considers it necessary, to have the services of a competent interpreter; and
   (g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

10. Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employ-
ment is necessary to maintain discipline and order among the mem-
bers of the force.

11. Each Contracting Party shall seek such legislation as it deems
necessary to ensure the adequate security and protection within its
territory of installations, equipment, property, records and official
information of other Contracting Parties, and the punishment of per-
sons who may contravene such laws enacted for that purpose.

Article VIII²

1. Each Contracting Party waives all its claims against any other
Contracting Party for damage to any property owned by it and
used by its armed services (land, sea or air) if such damage
(i) was caused by a member or an employee of the armed
services of any Contracting Party, provided that such dam-
age was caused by such member or employee in the execu-
tion of his duties in connexion with the operation of the
North Atlantic Treaty; or
(ii) arose from the use of any vehicle, vessel or aircraft owned
by a Contracting Party and used by its armed services, pro-
vided either that the vehicle, vessel or aircraft causing the
damage was being used in connexion with the operation of the
North Atlantic Treaty or that the damage was caused
to property being so used.

Claims for maritime salvage by one Contracting Party against any
other Contracting Party shall be waived, provided that the vessel
or cargo salved was owned by a Contracting Party and being used
by its armed services in connexion with the operation of the North
Atlantic Treaty.

2. (a) In the case of damage caused or arising as stated in para-
graph 1 to other property owned by a Contracting Party
and located in its territory, the issue of the liability of any
other Contracting Party shall be determined and the
amount of damage shall be assessed, unless the Contracting
Parties concerned agree otherwise, by a sole arbitrator
selected in accordance with sub-paragraph (b) of this para-
graph. The arbitrator shall also decide any counter-
claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) above shall
be selected by agreement between the Contracting Parties
concerned from amongst the nationals of the receiving State

²The text of Article VIII above is identical with that of the redraft of Article
VIII in MS-D(51) 26 (23 April 1951), which has therefore been omitted.
who hold or have held high judicial office. If the Contracting Parties concerned are unable, within a reasonable time, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e)(i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless each Contracting Party waives its claim in any such case where the damage is less than:

- Belgium B.fr. 70,000
- Canada $ 1,460
- Denmark Kr. 9,870
- France F.fr. 490,000
- Iceland Kr. 22,800
- Italy Ll. 850,000
- Luxembourg L.fr. 70,000
- Netherlands Fl. 5,320
- Norway Kr. 10,000
- Portugal Es. 40,250
- United Kingdom £ 500
- United States $ 1,400

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim if the damage is less than the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression “owned by a Contracting Party” in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party or its insurer).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraph 6 of this Article applies) arising out of acts or omissions for which a force or civilian component is responsible and causing damage in the territory of the receiving State to third parties, other than
any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

(b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.

(c) Such payment, or the final adjudication by the competent tribunals of the receiving State denying payment, shall be binding and conclusive upon the Contracting Parties.

(d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (e)(i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and paragraph 2 of this Article shall be distributed between the Contracting Parties, as follows:

(i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25% chargeable to the receiving State and 75% chargeable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

(iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned: however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.

(iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a re-
quest for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

(f) In cases where the application of the provisions of subparagraphs (b) and (e) of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.

(g) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

(h) The provisions of this paragraph shall not apply to any claims arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not relating to the performance of their official duties shall be dealt with in the following manner:

(a) The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. If a dispute arises whether a tortious act or omission of a member of a force or civilian component related to the performance of his duties, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.
8. Claims arising out of contracts concluded by members of a force or civilian component in the execution of their official duties shall be dealt with by the authorities of the force and the courts of the receiving State shall have jurisdiction in regard thereto if they cannot otherwise be settled.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5(g) of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

**Article IX**

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. Subject to bilateral agreements already in force or which may hereafter be made between the authorised representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds or facilities.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The con-
ditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

**Article X**

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in para-
graph I, nothing in this Article shall prevent taxation to which, even when regarded as having his residence or domicile outside the territory of the receiving State, such member is liable under the law of that State.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.

4. For the purposes of this Article the term "member of a force" shall not include any person who is a national of the receiving State.

**Article XI**

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2. The temporary importation and re-exportation of service vehicles under their own power shall be authorised free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement. The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8. These vehicles shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. The force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with the customs documents, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorised by the sending State for that purpose. The designation of the person authorised to sign the certificates as well as specimens of the signatures and stamps to be used,
shall be sent to the customs administration of the receiving State.

5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty for the term of such service.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 2, 4, 5 or 6 above:

(a) may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2, 4, 5 or 6 as the case may be;

(b) shall not normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.
12. In paragraphs 1–10 of this Article,
“duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes in respect of services rendered;
“import” includes goods withdrawn from customs bonded warehouse or continuing customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.
13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression “receiving State” in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

**Article XII**

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

**Article XIII**

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civ-
ilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connexion with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

**Article XIV**

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

**Article XV**

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

**Article XVI**

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

**Article XVII**

Any Contracting Party may at any time request the revision of
any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

Article XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

Article XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

Article XX

[1. Subject to the provisions of paragraphs 2 and 3 of this Article,

3 The whole of Article XX is enclosed within square brackets in the original.]
the present Agreement shall apply only to the metropolitan area of a Contracting Party.

2. Any State may, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area and the Agreement shall extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed the present Agreement.

Done in London this ___________ day of ______________, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

[There follows an Appendix, identical with the Appendix contained in the final version of the Agreement.]

MS–D(51) 29

Agreement on the Status of NATO, National Representatives and International Staff—Revised Draft (5 May 1951) ¹

Draft Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff

The States signatory to the present Agreement,

Considering that for the exercise of their functions and the fulfilment of their purposes, it is necessary that the North Atlantic Treaty Organisation, its officials and the representatives of Member States

¹Previous reference: MS–D(51) 25 (20 April 1951). For discussion of present text, see MS–R(51) 21–23 (7–8 June 1951).
Part I.—General

**Article 1**

In the present Agreement,

(a) "the Organisation" means the North Atlantic Treaty Organisation consisting of the Council established under Article 9 of the North Atlantic Treaty and its subsidiary bodies;

(b) "the Council" means the Council itself and the Council Deputies;

(c) "subsidiary bodies" means any organ, committee or service established by the Council or under its authority, except those to which in accordance with Article 2 this Agreement does not apply.

**Article 2**

The present Agreement shall not apply to any military headquarters established in pursuance of the North Atlantic Treaty or to any other military body made the subject of a separate status agreement.

**Article 3**

The Organisation shall co-operate at all times with the competent authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the immunities and privileges set out in the present Agreement. If any Member State considers that there has been an abuse of any immunity or privilege conferred by this Agreement, consultations shall be held between that State and the Organisation to determine whether any such abuse has occurred, and, if so, to attempt to ensure that no repetition occurs. A Member State which considers that any person has abused any immunity or privilege granted to him under this Agreement may require him to leave its territory.

Part II.—Personality and Capacity

**Article 4**

The Organisation shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.
Part III.—Property, Funds and Assets

Article 5

The Organisation, its property and assets, wheresoever located and by whomever held, shall enjoy immunity from every form of legal process, except in so far as in any particular case the Council, acting on behalf of the Organisation, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

Article 6

The premises of the Organisation shall be inviolable. Its property and assets, wheresoever located and by whomever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference.

Article 7

The archives of the Organisation and in general all documents belonging to it or held by it shall be inviolable, wherever located.

Article 8

1. Without being restricted by financial controls, regulations or moratoria of any kind,

   (a) the Organisation may hold currency of any kind and operate accounts in any currency;

   (b) the Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency.

2. In exercising its rights under paragraph 1 above, the Organisation shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.

Article 9

The Organisation, its assets, income and other property shall be exempt:

   (a) from all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;

   (b) from all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported
by the Organisation for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country.

(c) from all customs duties and quantitative restrictions on imports and exports in respect of its publications.

Article 10

While the Organisation will not as a general rule claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Organisation is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Part IV.—Communications

Article 11

The Organisation shall enjoy in the territory of each Member State, for its official communications, treatment at least as favourable as that accorded by that State to the Government of any other Member State, including its diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiotelegrams, telephotos, telephone calls, and other communications and press rates for information to the press and radio, except in so far as such treatment would be inconsistent with the terms of the International Telecommunications Convention.

Article 12

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council.
Part V.—Representatives of Member States

Article 13

Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another Member State and such resident members of his official civilian or military staff as may be agreed upon between these States shall enjoy the immunities and privileges normally accorded to diplomatic representatives and their official staff of comparable rank.

Article 14

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 13 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

(a) the same immunity from personal arrest or detention and from seizure of his personal baggage as is accorded to diplomatic representatives of comparable rank;

(b) in respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;

(c) inviolability for all papers and documents;

(d) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;

(e) exemption in respect of himself and his spouse from immigration restrictions, aliens registration or national service obligations in the State which he is visiting or through which he is passing in the exercise of his functions;

(f) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic representatives of comparable rank;

(g) the same immunities and facilities in respect of his personal baggage as are accorded to diplomatic representatives of comparable rank;

(h) the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to remove such furniture and effects free of duty to their future country of residence, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

(i) the right to import temporarily free of duty their private
motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

2. Where the legal incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation on his official salary and emoluments during such periods of duty.

3. In this Article “representative” shall be deemed to include all representatives, advisers and technical experts of delegations.

**Article 15**

Official secretarial staff accompanying a representative of a Member State who are not covered by Articles 13 or 14 shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1(b), (c), (e), (f), (h) and (i) and paragraph 2 of Article 14.

**Article 16**

Privileges and immunities are accorded to the representatives of Member States and their staffs not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the North Atlantic Treaty. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representatives and members of their staffs in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity is accorded.

**Article 17**

The provisions of Articles 13 to 15 above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national or to any person as its representative or as a member of the staff of such representative.

**Part VI.—Officials of the Organisation**

**Article 18**

The categories of officials of the Organisation to which this Part of the Agreement applies shall be agreed between the Chairman of
the Council Deputies and the Governments of Member States. The Chairman of the Council Deputies shall communicate to Member States the names of the officials included in these categories.

**Article 19**

Officials of the Organisation to whom this Part of the Agreement applies shall:

(a) be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;

(b) [be exempt from taxation on the salaries and emoluments paid to them in their capacity as such officials, provided that a Member State may tax its own nationals unless the Member States agree on a system whereby the salaries and emoluments concerned are taxed by the Organisation itself;]² or

[enjoy the same exemption from taxation in respect of the salaries and emoluments paid to them in their capacity as such officials as is enjoyed by officials of the other principal international organisations and on the same conditions;]²

(c) be exempt from the obligation to participate in any social security scheme;

(d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;

(e) be accorded the same privileges in respect of currency or exchange restrictions as are accorded to officials of comparable rank of diplomatic missions;

(f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as officials of comparable rank of diplomatic missions;

(g) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to remove such furniture and effects to their future country of residence, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary:

(h) have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to

²The two alternative texts of subparagraph (b) above are in square brackets in the original text.
re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

Article 20

In addition to the immunities and privileges specified in Article 19, the Chief of the International Staff of the Organisation, the Coordinator of North Atlantic Defence Production, and any other permanent official of the same rank agreed between the Chairman of the Council Deputies and the Governments of Member States, shall be accorded in respect of himself, his spouse and children under the age of 21 the privileges and immunities normally accorded to diplomatic representatives of comparable rank.

Article 21

Privileges and immunities are granted to officials in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

Part VII.—Experts on Missions for the Organisation

Article 22

Experts (other than officials coming within the scope of Part VI) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions during the period of their service, including the time spent on journeys in connexion with such service:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

(b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;

(c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.
Article 23

Privileges and immunities are granted to experts in the interests of the Organisation and not for the personal benefit of the individuals concerned. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

Part VIII.—Settlement of Disputes

Article 24

The Council shall make provision for appropriate modes of settlement of:

(a) disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;
(b) disputes involving any official of the Organisation to whom Part VI of this Agreement applies, or any expert to whom Part VII applies, who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Articles 21 or 23.

Part IX.—Supplementary Agreements

Article 25

The Council may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned. The Council shall inform all Member States of any agreements concluded under this Article.

Part X.—Final Provisions

Article 26

1. The present Agreement shall be open for signature by Member States of the Organisation and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America which will notify all signatory States of each such deposit.

2. As soon as six signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State, on the date of the deposit of its instrument of ratifica-
tion. Nevertheless, pending the entry into force of the Agreement, in accordance with the provisions of the preceding paragraph, the signatory States agree, in order to avoid any delay in the efficient working of the Organisation, to apply it provisionally from the date of signature, so far as it is possible to do so under their respective constitutional systems.

In witness whereof the undersigned plenipotentiaries, being duly authorised to that effect, have signed the present Agreement.

Done in London this __________ day of (month, year) in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a certified copy to each of the signatory States.

MS-D(51) 29(R)

Agreement on the Status of NATO, National Representatives and International Staff—Revised Version (11 June 1951)

Draft Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff

The States signatory to the present Agreement,

Considering that for the exercise of their functions and the fulfilment of their purposes, it is necessary that the North Atlantic Treaty Organisation, its international staff and the representatives of Member States attending meetings thereof should have the status set out hereunder,

Have agreed as follows:

Part I.—General

Article 1

In the present Agreement,

(a) "the Organisation" means the North Atlantic Treaty Organisation consisting of the Council and its subsidiary bodies;
(b) "the Council" means the Council established under Article 9 of the North Atlantic Treaty and the Council Deputies;
(c) "subsidiary bodies" means any organ, committee or service established by the Council or under its authority, unless the Council decides otherwise.

1 Reference: MS-D(51) 29 (5 May 1951) for previous text; MS-R(51) 24 (14 June 1951) for discussion of present text.
Article 2

The present Agreement shall not apply to any military headquar-
ters established in pursuance of the North Atlantic Treaty.

Article 3

The Organisation and Member States shall co-operate at all times
to facilitate the proper administration of justice, secure the observ-
ance of police regulations and prevent the occurrence of any abuse
in connection with the immunities and privileges set out in the
present Agreement. If any Member State considers that there has
been an abuse of any immunity or privilege conferred by this Agree-
ment, consultations shall be held between that State and the Organis-
ation, or between the States concerned, to determine whether any
such abuse has occurred, and, if so, to attempt to ensure that no repe-
tition occurs. Notwithstanding any other provisions of this Agree-
ment, a Member State which considers that any person has abused
his privilege of residence or any other privilege or immunity granted
to him under this Agreement may require him to leave its territory.

Part II.—The Organisation

Article 4

The Organisation shall possess juridical personality; it shall have
the capacity to conclude contracts, to acquire and dispose of movable
and immovable property and to institute legal proceedings.

Article 5

The Organisation, its property and assets, wheresoever located and
by whomsoever held, shall enjoy immunity from every form of legal
process, except in so far as in any particular case the Council, acting
on behalf of the Organisation, may expressly authorise the waiver of
this immunity. It is, however, understood that no waiver of im-
munity shall extend to any measure of execution or detention of
property.

Article 6

The premises of the Organisation shall be inviolable. Its property
and assets, wheresoever located and by whomsoever held, shall be
immune from search, requisition, confiscation, expropriation or any
other form of interference.
Article 7

The archives of the Organisation and all documents belonging to it or held by it shall be inviolable, wherever located.

Article 8

1. Without being restricted by financial controls, regulations or moratoria of any kind,
   (a) the Organisation may hold currency of any kind and operate accounts in any currency;
   (b) the Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rates of exchange.

2. In exercising its rights under paragraph 1 above, the Organisation shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.

Article 9

The Organisation, its assets, income and other property shall be exempt:
   (a) from all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;
   (b) from all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country;
   (c) from all customs duties and quantitative restrictions on imports and exports in respect of its publications.

Article 10

While the Organisation will not as a general rule claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Organisation is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.
Article 11

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council.

Part III.—Representatives of Member States

Article 12

[Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another Member State and such resident members of his official civilian or military staff as may be agreed upon between these States and the Organisation shall enjoy the immunities and privileges normally accorded to diplomatic representatives and their official staff of comparable rank].

Article 13

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 12 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

(a) the same immunity from personal arrest or detention as that accorded to diplomatic personnel of comparable rank;

(b) in respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;

(c) inviolability for all papers and documents;

(d) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;

(e) the same exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations as that accorded to diplomatic personnel of comparable rank;

(f) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

2 Article 12 is found in square brackets in the original text.
(g) the same immunities and facilities in respect of his personal baggage as are accorded to diplomatic personnel of comparable rank;

(h) the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to remove such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

(i) the right to import temporarily free of duty their private motor vehicle for their own personal use and subsequently to re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

2. Where the legal incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation on his official salary and emoluments during such periods of duty.

3. In this Article “representative” shall be deemed to include all representatives, advisers and technical experts of delegations.

**Article 14**

Official clerical staff accompanying a representative of a Member State who are not covered by Articles 12 or 13 shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1 (b), (c), (e), (f), (h) and (i) and paragraph 2 of Article 13.

**Article 15**

Privileges and immunities are accorded to the representatives of Member States and their staffs not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the North Atlantic Treaty. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representatives and members of their staffs in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity is accorded.
Article 16

The provisions of Articles 12 to 14 above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national or to any person as its representative or as a member of the staff of such representative.

Part IV.—International Staff and Experts on Missions for the Organisation

Article 17

The categories of officials in the Organisation to which Articles 18 and 19 apply shall be agreed between the Chairman of the Council Deputies and the Governments of Member States. The Chairman of the Council Deputies shall communicate to the Member States concerned the names of the officials included in these categories.

Article 18

Officials of the Organisation to whom this Part of the Agreement applies shall:

(a) be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;

(b) be exempt from taxation on the salaries and emoluments paid to them by the Organisation in their capacity as such officials;

(c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;

(d) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

(e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as are accorded to diplomatic personnel of comparable rank;

(f) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to remove such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;
(g) have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

**Article 19**

In addition to the immunities and privileges specified in Article 18, the Executive Secretary of the Organisation, the Co-ordinator of North Atlantic Defence Production, and such other permanent officials of similar rank as may be agreed between the Chairman of the Council Deputies and the Governments of Member States, shall be accorded the privileges and immunities normally accorded to diplomatic personnel of comparable rank, in accordance with international law.

**Article 20**

1. Experts (other than officials coming within the scope of Articles 18 or 19) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as necessary for the effective exercise of their functions during the period of their service, including the time spent on journeys in connexion with such service:

   (a) immunity from personal arrest or detention and from seizure of their personal baggage;
   
   (b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;
   
   (c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;
   
   (d) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

2. The Chairman of the Council Deputies shall communicate to the Member States concerned the names of any experts to whom this Article applies.

**Article 21**

Privileges and immunities are granted to officials and experts in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any expert in
any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

**Article 22**

The provisions of Articles 18 to 20 above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national [except immunity from legal process in respect of words spoken or written or acts done by him in the performance of his official functions for the Organisation and inviolability for all papers and documents relating to the work on which he is engaged for the Organisation].

**Part V.—Settlement of Disputes**

**Article 23**

The Council shall make provision for appropriate modes of settlement of:

(a) disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;

(b) disputes involving any official or expert of the Organisation to whom Part IV of this Agreement applies who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 21.

**Part VI.—Supplementary Agreements**

**Article 24**

The Council may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned.

**Part VII.—Final Provisions**

**Article 25**

1. The present Agreement shall be open for signature by Member States of the Organisation and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America which will notify signatory States of each such deposit.

2. As soon as six signatory States have deposited their instruments

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3 Square brackets in original text.
of ratification, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State, on the date of the deposit of its instrument of ratification. Nevertheless, pending the entry into force of the Agreement, in accordance with the provisions of the preceding paragraph, the signatory States agree, in order to avoid any delay in the efficient working of the Organisation, to apply it provisionally from the date of signature, so far as it is possible to do so under their respective constitutional systems.

In witness whereof the undersigned plenipotentiaries have signed the present Agreement.

Done in London this __________ day of (month, year) in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a certified copy to each of the signatory States.

MS-D(51) 29(2R)

Agreement on the Status of NATO, National Representatives and International Staff—Revised Version (15 June 1951)\(^1\)

*Draft Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff*

The States signatory to the present Agreement,

Considering that for the exercise of their functions and the fulfilment of their purposes, it is necessary that the North Atlantic Treaty Organisation, its international staff and the representatives of Member States attending meetings thereof should have the status set out hereunder,

Have agreed as follows:

**Part I.—General**

**Article 1**

In the present Agreement,

(a) “the Organisation” means the North Atlantic Treaty Organisation consisting of the Council and its subsidiary bodies;

(b) “the Council” means the Council established under Article 9 of the North Atlantic Treaty and the Council Deputies;

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\(^1\) Reference: MS–D(51) 29(R) (11 June 1951) for previous version of text; MS–R(51) 25 (27 June 1951) for discussion of present text.
(c) "subsidiary bodies" means any organ, committee or service established by the Council or under its authority, except those to which, in accordance with Article 2, this Agreement does not apply;

(d) "Chairman of the Council Deputies" includes, in his absence, the Vice-Chairman acting for him.

**Article 2**

The present Agreement shall not apply to any military headquarters established in pursuance of the North Atlantic Treaty nor, unless the Council decides otherwise, to any other military body.

**Article 3**

The Organisation and Member States shall co-operate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the immunities and privileges set out in the present Agreement. If any Member State considers that there has been an abuse of any immunity or privilege conferred by this Agreement, consultations shall be held between that State and the Organisation, or between the States concerned, to determine whether any such abuse has occurred, and, if so, to attempt to ensure that no repetition occurs. Notwithstanding any other provisions of this Agreement, a Member State which considers that any person has abused his privilege of residence or any other privilege or immunity granted to him under this Agreement may require him to leave its territory.

**Part II.—The Organisation**

**Article 4**

The Organisation shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

**Article 5**

The Organisation, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process, except in so far as in any particular case the Chairman of the Council Deputies, acting on behalf of the Organisation, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.
Article 6

The premises of the Organisation shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference.

Article 7

The archives of the Organisation and all documents belonging to it or held by it shall be inviolable, wherever located.

Article 8

1. Without being restricted by financial controls, regulations or moratoria of any kind,
   (a) the Organisation may hold currency of any kind and operate accounts in any currency;
   (b) the Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rate of exchange for a sale or purchase as the case may be.

2. In exercising its rights under paragraph 1 above, the Organisation shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.

Article 9

The Organisation, its assets, income and other property shall be exempt:
   (a) from all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;
   (b) from all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country;
   (c) from all customs duties and quantitative restrictions on imports and exports in respect of its publications.
Article 10

While the Organisation will not as a general rule claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Organisation is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article 11

1. The Organisation shall enjoy in the territory of each Member State, for its official communications, treatment at least as favourable as that accorded by that State to the Government of any other Member State, including its diplomatic mission, in the matter of priorities, rates and taxes on mails, telegrams, telephotos, telephone calls, and other communications and press rates for information to the press and radio, except in so far as such treatment would be inconsistent with the terms of the International Telecommunications Convention. Member States shall ensure that communications to which special treatment is accorded under this Article are not routed through the territory of any State which is not a Party to the present Agreement.

2. This Article shall not bind any Member State in respect of any facilities which are not operated by the Government.

Article 12

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council.

Part III.—Representatives of Member States

Article 13

Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another
Member State, and such members of his official staff resident in that territory as may be agreed between the State which has designated them and the Organisation, and between the Organisation and the State in which they will be resident, shall enjoy the immunities and privileges accorded to diplomatic representatives and their official staff of comparable rank.

**Article 14**

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 13 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

   (a) the same immunity from personal arrest or detention as that accorded to diplomatic personnel of comparable rank;

   (b) in respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;

   (c) inviolability for all papers and documents;

   (d) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;

   (e) the same exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations as that accorded to diplomatic personnel of comparable rank;

   (f) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

   (g) the same immunities and facilities in respect of his personal baggage as are accorded to diplomatic personnel of comparable rank;

   (h) the right to import free of duty his furniture and effects at the time of first arrival to take up his post in the country in question, and, on the termination of his functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

   (i) the right to import temporarily free of duty his private motor vehicle for his own personal use and subsequently to re-export such vehicle free of duty, subject in either case to such conditions as the Governments of the country concerned may deem necessary.

2. Where the legal incidence of any form of taxation depends on residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the
discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation on his official salary and emoluments during such periods of duty.

3. In this Article "representative" shall be deemed to include all representatives, advisers and technical experts of delegations. Each Member State shall communicate to the other Member States concerned, if they so request, the names of its representatives to whom this Article applies and the probable duration of their stay in the territories of such other Member States.

**Article 15**

Official clerical staff accompanying a representative of a Member State who are not covered by Articles 13 or 14 shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1 (b), (c), (e), (f), (h) and (i) and paragraph 2 of Article 14.

**Article 16**

Privileges and immunities are accorded to the representatives of Member States and their staffs not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the North Atlantic Treaty. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representatives and members of their staff in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity is accorded.

**Article 17**

The provisions of Articles 13 to 15 above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national or to any person as its representative or as a member of the staff of such representative.

**Part IV.—International Staff and Experts on Missions for the Organisation**

**Article 18**

The categories of officials of the Organisation to which Articles 19 and 20 apply shall be agreed between the Chairman of the Council Deputies and each of the Member States concerned. The Chairman of
the Council Deputies shall communicate to the Member States the names of the officials included in these categories.

**Article 19**

Officials of the Organisation agreed upon under Article 18 shall:

(a) be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;

(b) be exempt from taxation on the salaries and emoluments paid to them by the Organisation in their capacity as such officials;

(c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;

(d) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

(e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as are accorded to diplomatic personnel of comparable rank;

(f) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

(g) have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

**Article 20**

In addition to the immunities and privileges specified in Article 19, the Executive Secretary of the Organisation, the Co-ordinator of North Atlantic Defence Production, and such other permanent officials of similar rank as may be agreed between the Chairman of the Council Deputies and the Governments of Member States, shall be accorded the privileges and immunities normally accorded to diplomatic personnel of comparable rank, in accordance with international law.
ARTICLE 21

1. Experts (other than officials coming within the scope of Articles 19 or 20) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions while present in the territory of a Member State for the discharge of their duties:
   (a) immunity from personal arrest or detention and from seizure of their personal baggage;
   (b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;
   (c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;
   (d) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

2. The Chairman of the Council Deputies shall communicate to the Member States concerned the names of any experts to whom this Article applies.

ARTICLE 22

Privileges and immunities are granted to officials and experts in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

ARTICLE 23

[The provisions of Articles 19 to 21 above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national, except:
   (a) immunity from legal process in respect of words spoken or written or acts done by him in the performance of his official functions for the Organisation;
   (b) inviolability for all papers and documents relating to the work on which he is engaged for the Organisation;
   (c) facilities in respect of currency or exchange restrictions so far as necessary for the effective exercise of his functions].

2 Article 23 is in square brackets in the original text.
Part V.—Settlement of Disputes

Article 24

The Council shall make provision for appropriate modes of settlement of:

(a) disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;

(b) disputes involving any official or expert of the Organisation to whom Part IV of this Agreement applies who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 22.

Part VI.—Supplementary Agreements

Article 25

The Council may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned.

Part VII.—Final Provisions

Article 26

1. The present Agreement shall be open for signature by Member States of the Organisation and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America which will notify all signatory States of each such deposit.

2. As soon as six signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State, on the date of the deposit of its instrument of ratification.

In witness whereof the undersigned plenipotentiaries have signed the present Agreement.

Done in London this ________ day of (month, year) in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a certified copy to each of the signatory States.
Status of Forces Agreement—Revised Draft (7 May 1951)

Report of the Chairman of the Working Group

1. I have the honor to submit herewith a revised draft of the Agreement regarding the status of the forces of one Party to the North Atlantic Treaty serving in the territory of another Party.

2. The earlier draft, submitted by the Chairman of the Working Group on 28 February 1951, was sent by the Council Deputies to Governments with a request for their observations. The Working Group has now prepared a new draft of the Agreement in the light of the observations received.

3. The amendments agreed upon by the Working Group concerned, for the most part, points of detail. The following should be specially noted:

(a) The Preamble has been expanded to take note of the fact that the decision to send forces of one Party to serve in the territory of another Party will continue to be subject to separate arrangements between them.

(b) The definition of “force” in paragraph 1(a) of Article I has been altered so as to make the Agreement applicable, unless the receiving State and the sending State agree otherwise, to all forces of one Party present in the territory of another Party in the North Atlantic Treaty area in connection with their official duties, and not only to forces on NATO duty. The reason for this is the administrative inconvenience of distinguishing between forces on NATO duty and those not on such duty.

(c) A new Article XX has been added which provides for the separate application of the Agreement to colonial territories. This meets constitutional and administrative difficulties which some of the member States would have if the Agreement applied automatically to all their territories in the North Atlantic Treaty area.

4. The discussions of the Working Group showed that the revised draft is likely to be acceptable to member States with little or no further amendment, though no representative on the Working Group

Reference: MS–D(51) 28 (27 April 1951) for previous version of text; for discussion of present text: D–R(51) 37 (9 May 1951); D–R(51) 41 (24 May 1951); MS–R(51) 19–20 (29–30 May 1951).

2 D–D(51) 57 (28 February 1951).
committed his Government to the draft and there were one or two points which certain representatives thought their Governments might wish to raise again when the draft was considered by the Council Deputies.

5. The Working Group discussed the application of this Agreement to SHAPE and other NATO command headquarters. It was thought that some provisions could probably be applied as they stand but others, particularly those relating to the exercise of criminal jurisdiction (Article VII) and the settlement of claims (Article VIII) would clearly require modification and it might, therefore, be appropriate to deal with these headquarters by means of a Protocol to the Agreement. The Working Group recommends that the French Government should be asked to examine this matter in consultation with SHAPE and to submit proposals which might then be examined at a further meeting of the Working Group. The position of the Standing Group in Washington will also require consideration, though the general feeling of the Working Group was that the Standing Group should be covered by the Agreement regarding privileges and immunities of the Organization, National Representatives and International Staff.

6. Article VI of the draft Agreement provides that members of a force may possess and carry arms on condition that they are authorized to do so by their orders. The Working Group recommends that SHAPE should be invited to consider the possibility and desirability of drawing up standard regulations concerning the possession and carriage of arms for all troops under its command.

*Draft Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces*

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned;

Desiring, however, to define the status of such forces while in the territory of another Party;

Have agreed as follows:
Article I

1. In this Agreement the expression—
   (a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;
   (b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located;
   (c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;
   (d) "sending State" means the Contracting Party to which the force belongs;
   (e) "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;
   (f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components;
   (g) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

2. This Agreement shall apply to the authorities of political subdivisions of the Contracting Parties, within their territories to which the Agreement extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political sub-divisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

Article II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the
receiving State, and to abstain from any activity inconsistent with
the spirit of the present Agreement, and, in particular, from any
political activity in the receiving State. It is also the duty of the
sending State to take necessary measures to that end.

Article III

1. On the conditions specified in paragraph 2 of this Article and
subject to compliance with the formalities established by the receiving
State relating to entry and departure of a force or the members
thereof, such members shall be exempt from passport and visa regula-
tions and immigration inspection on entering or leaving the territory
of a receiving State. They shall also be exempt from the regulations
of the receiving State on the registration and control of aliens, but
shall not be considered as acquiring any right to permanent residence
or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of
members of a force. They must be presented on demand:

(a) personal identity card issued by the sending State showing
names, date of birth, rank and number (if any), service,
and photograph;

(b) individual or collective movement order, in the language of
the sending State and in the English and French languages,
issued by an appropriate agency of the sending State or of
the North Atlantic Treaty Organisation and certifying to
the status of the individual or group as a member or mem-
ers of a force and to the movement ordered. The receiving
State may require a movement order to be countersigned
by its appropriate representative.

3. Members of a civilian component and dependents shall be so
described in their passaports.

4. If a member of a force or of a civilian component leaves the
employ of the sending State and is not repatriated, the authorities
of the sending State shall immediately inform the authorities of the
receiving State, giving such particulars as may be required. The
authorities of the sending State shall similarly inform the author-
ities of the receiving State of any member who has absented himself
for more than 21 days.

5. If the receiving State has requested the removal from its terri-

tory of a member of a force or civilian component or has made an
expulsion order against an ex-member of a force or of a civilian
component or against a dependent of a member or ex-member; the
authorities of the sending State shall be responsible for receiving the
person concerned within their own territory or otherwise disposing
of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

**Article IV**

The receiving State shall either

(a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or

(b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

**Article V**

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

**Article VI**

Members of a force may possess and carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

**Article VII**

1. Subject to the provisions of this Article,

(a) the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;

(b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their
dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. (a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

(b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to

(i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;

(ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any
right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the forces of the sending State.

5. (a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6. (a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

(b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provisions of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has
served, his sentence, or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component is prosecuted under the jurisdiction of a receiving State he shall be entitled—

(a) to a prompt and speedy trial;
(b) to be informed, in advance of trial, of the specific charge or charges against them;
(c) to be confronted with the witnesses against him;
(d) to have compulsory process for obtaining witnesses in his favour, if within the jurisdiction of the receiving State;
(e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;
(f) if he considers it necessary, to have the services of a competent interpreter; and
(g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

(b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.
Article VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage—

(i) was caused by a member or an employee of the armed services of the other Contracting Party, provided that such damage was caused by such member or employee in the execution of his duties in connexion with the operation of the North Atlantic Treaty; or

(ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services, provided either that the vehicle, vessel or aircraft causing the damage was being used in connexion with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salved was owned by a Contracting Party and being used by its armed services in connexion with the operation of the North Atlantic Treaty.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within a reasonable time, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e) (i), (ii) and (iii) of this Article.
(e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than:

<table>
<thead>
<tr>
<th>Country</th>
<th>Currency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>B.fr.</td>
<td>70,000</td>
</tr>
<tr>
<td>Canada</td>
<td>$</td>
<td>1,460</td>
</tr>
<tr>
<td>Denmark</td>
<td>Kr.</td>
<td>9,670</td>
</tr>
<tr>
<td>France</td>
<td>F.fr.</td>
<td>490,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Kr.</td>
<td>22,800</td>
</tr>
<tr>
<td>Italy</td>
<td>L.t.</td>
<td>850,000</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>L.fr.</td>
<td>70,000</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Fl.</td>
<td>5,320</td>
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<tr>
<td>Norway</td>
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<td>10,000</td>
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<td>Portugal</td>
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<td>United Kingdom</td>
<td>£</td>
<td>500</td>
</tr>
<tr>
<td>United States</td>
<td>$</td>
<td>1,400</td>
</tr>
</tbody>
</table>

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression “owned by a Contracting Party” in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

(b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.
(c) Such payment, or the final adjudication of the competent tribunals of the receiving State denying payment, shall be binding and conclusive upon the Contracting Parties.

(d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (e) (i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and paragraph 2 of this Article shall be distributed between the Contracting Parties, as follows:

(i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25% chargeable to the receiving State and 75% chargeable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

(iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned: however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of the sending States concerned.

(iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

(f) In cases where the application of the provisions of sub-paragraphs (b) and (e) of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.

(g) A member of a force or civilian component shall not be sub-
ject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

(h) Except in so far as sub-paragraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner:

(a) The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

(c) If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.

(d) Nothing in the paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorised use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article.

8. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty or as to whether the use of any vehicle of the armed services of a sending State was unauthorised, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or
civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5(g) of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

**Article IX**

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. Subject to agreements already in force or which may hereafter be made between the authorised representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and
their dependents may receive medical and dental care, including hospitalisation, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, of this Article shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

**Article X**

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such member is liable under the law of that State.

3. Nothing in this paragraph shall apply to “duty” as defined in paragraph 12 of Article XI.

4. For the purposes of this Article the term “member of a force” shall not include any person who is a national of the receiving State.
**Article XI**

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2. (a) The temporary importation and the re-exportation of service vehicles of a force or civilian component under their own power shall be authorised free of duty on presentation of triptyque in the form shown in the Appendix to this Agreement.

(b) The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8.

(c) Service vehicles of a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with paragraph 2(b) of Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorized by the sending State for that purpose. The designation of the person authorised to sign the certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.

5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his
personal effects and furniture free of duty for the term of such service.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 2(b), 4, 5 or 6 above—

(a) may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2(b), 4, 5 or 6 as the case may be;

(b) shall not normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the authorities concerned of the receiving State (for instance on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1–10 of this Article—

“duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered;
"importation" includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.

13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State, but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression "receiving State" in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

**Article XII**

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

**Article XIII**

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connexion with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.
Article XIV

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

Article XV

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

Article XVI

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

Article XVII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.
Article XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

Article XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America, which shall notify all the other Contracting Parties of such notifications and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

Article XX

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territories of a Contracting Party.

2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare
by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making the declaration considers it to be necessary, to the conclusion of a special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed the present Agreement.

Done in London this day of , in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

[Here follows the list of Parties to the North Atlantic Treaty, as expected signatories of the present Agreement.]

MS-D(51) 31

Icelandic-United States Defense Agreement—Annex on Status of United States Personnel and Property (25 May 1951)¹

Annex on the Status of United States Personnel and Property

Article 1

In this annex, the expression “United States Forces” includes personnel belonging to the armed services of the United States and ac-

¹The Annex on the Status of United States Personnel and Property was signed in Reykjavik on 8 May 1951: 2 UST 1533, TIAS 2295, 205 UNTS 180. The Icelandic-United States Defense Agreement, to which it is annexed, was signed in Reykjavik on 5 May 1951: 2 UST 1195, TIAS 2266, 205 UNTS 173.
companying civilian personnel who are in the employ of such services and are not nationals of nor ordinarily resident in Iceland, all such personnel being in the territory of Iceland in connection with operations under this Agreement.

**Article 2**

1. (a) The United States military courts will on no occasion have jurisdiction in Iceland over nationals of Iceland or other persons who are not subject to the military laws of the United States.

(b) It is the duty of members of the United States forces and their dependents in Iceland to respect the laws of Iceland and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular from any political activity in Iceland. The United States will take appropriate measures to that end.

2. Subject to the provisions of this Article,
   (a) the military authorities of the United States shall have the right to exercise within Iceland all jurisdiction and control conferred on them by the laws of the United States over all persons subject to the military law of the United States;
   (b) the authorities of Iceland shall have jurisdiction over the members of the United States forces with respect to offenses committed within Iceland and punishable by the law of Iceland.

3. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses relating to its security, but not to that of Iceland, and to all acts punishable by the law of the United States, but not by the law of Iceland.

(b) The authorities of Iceland shall have the right to exercise exclusive jurisdiction over members of the United States forces with respect to offenses relating to the security of Iceland, but not to the security of the United States, and to all acts punishable by the law of Iceland, but not by the law of the United States.

(c) A security offense against Iceland or the United States shall include:
   1. Treason;
   2. Sabotage, espionage or violation of any law relating to official secrets of Iceland or the United States, or secrets relating to the national defense of Iceland or the United States.
4. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
   (a) The military authorities of the United States shall have the primary right to exercise jurisdiction over a member of the United States forces in relation to
      1. offenses solely against the property of the United States or offenses solely against the person or property of another member of the United States forces or of a dependent of a member of such forces.
      2. offenses arising out of any act done in the performance of official duty.
   (b) In the case of any other offense the authorities of Iceland shall have the primary right to exercise jurisdiction.
   (c) If the United States or Iceland, whichever has the primary right, decides not to exercise jurisdiction, it shall notify the authorities of the United States or Iceland, as the case may be, as soon as practicable. The authorities of the United States or Iceland, whichever has the primary right, shall give sympathetic consideration to a request from the authorities of the United States or Iceland, as the case may be, for a waiver of its rights in cases where the authorities of the other country consider such waiver to be of particular importance.

5. A death sentence shall not be carried out in Iceland by the authorities of the United States.

6. (a) The authorities of the United States and Iceland shall assist each other in the arrest of members of the United States forces and their dependents who commit offenses in Iceland and in handing them over to the authorities which are to exercise jurisdiction in accordance with the above provisions.
   (b) The authorities of Iceland shall notify promptly the military authorities of the United States of the arrest in Iceland of any members of the United States forces or of their dependents.
   (c) The custody of an accused over whom Iceland is to exercise jurisdiction shall, if he is in the hands of the authorities of the United States, remain in the hands of such authorities until he is charged by Iceland.

7. (a) If a member of the United States forces is accused of an offense the appropriate authorities of the United States and Iceland will render mutual assistance in the necessary investigation into the offense and trial of the offender.
(b) If the case is one within the jurisdiction of the United States, the authorities of Iceland will themselves carry out the necessary arrangements to secure the presence of and obtain evidence from Icelandic nationals and other persons in Iceland, except from members of the United States forces and their dependents, outside the agreed areas. In cases where it is necessary under the laws of the United States to obtain themselves information from Icelandic nationals, the Icelandic authorities will make all possible arrangements to secure the presence of such nationals for interrogation in the presence of Icelandic authorities at places designated by them.

The military authorities will, in a similar manner, carry out the collection of evidence from members of the United States forces and their dependents in the case of an offense within the jurisdiction of the Icelandic authorities.

(c) The authorities of the United States and Iceland shall notify one another of the results of all investigations and trials in cases where there are concurrent rights to exercise jurisdiction.

8. Where a member of the United States force or a dependent of a member thereof has been tried by the authorities of the United States and has been acquitted, or has been convicted and is serving or has served his sentence, he may not be tried again for the same offense by the authorities of Iceland.

9. Whenever a member of the United States force or a dependent of a member thereof is prosecuted under the jurisdiction of Iceland, he shall be entitled:

(a) to a prompt and speedy trial;
(b) to be informed in advance of trial of the specific charge or charges made against him;
(c) to be confronted with the witnesses against him;
(d) to have compulsory process for obtaining witnesses in his favor, if within the jurisdiction of Iceland;
(e) to defense by a qualified advocate or counsel of his own choice, or, failing such choice, appointed to conduct his defense;
(f) if he considers it necessary, to have the services of a competent interpreter; and
(g) to communicate with a representative of his Government and, when the rules of the court permit, to have such a representative present at his trial.
10. The United States forces shall have the right to police the agreed areas and to take all appropriate measures to insure the maintenance of discipline, order and security in such areas. Outside the agreed areas, military members of the United States forces shall be employed in police duties subject to arrangements with the authorities of Iceland and jointly with those authorities, and insofar as such employment is necessary in order to maintain discipline and order among the members of the United States forces and the dependents of members thereof.

The Icelandic authorities with whom members of the United States forces may be so employed shall have paramount authority with respect to the person or property of Icelandic nationals and other persons of non-Icelandic nationality, except members of the United States forces and their dependents and non-Icelandic employees of contractors of the United States, involved in any matter concerning the maintenance of order and discipline referred to above outside the agreed areas.

**Article 3**

1. Iceland shall either:
   
   (a) accept as valid, without driving test or fee, the driving permit or license or military driving permit issued by the United States or a sub-division thereof to a member of the United States forces or his dependents; or
   
   (b) issue its own driving permit or license without test or fee to a member of the United States forces or his dependents who hold a driving permit or license issued by the United States or a sub-division thereof.

2. The United States authorities, in cooperation with Icelandic authorities, will issue appropriate instructions to members of the United States forces and their dependents fully informing them of the Icelandic traffic laws and regulations and requiring strict compliance therewith.

**Article 4**

1. Military members of the United States forces shall normally wear a uniform.

2. Service vehicles of the United States forces shall carry, in addition to the registration number, a distinctive nationality mark.

3. The United States authorities will deliver to the appropriate Icelandic authorities a list of all vehicles, the registration numbers and the names of the owners thereof.
Article 5

United States forces in Iceland may carry arms as required in the performance of official duties within the agreed areas. United States forces may carry arms outside the agreed areas in Iceland only in the performance of official duties or in case of military necessity, unless otherwise agreed by the appropriate authorities of Iceland.

Article 6

1. Members of the United States forces and their dependents may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as nationals of Iceland.

2. Goods purchased locally which are required for the subsistence of the United States forces will normally be purchased through such agency of the Government of Iceland as may be designated by Iceland in order to avoid such purchase having an adverse effect on the economy of Iceland.

3. In regard to paragraphs 1, and 2, above, the competent authorities of Iceland will indicate when necessary any articles the purchase of which should be restricted or forbidden, and the United States authorities will give due consideration to such requests.

4. The United States desires to employ qualified Icelandic civilians to the maximum extent practicable in connection with activities under this Agreement. To the extent that Iceland shall consent to the employment of Icelandic civilians by the United States such employment shall be effected with the assistance of and through a representative or representatives designated by Iceland. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers shall be those laid down by Icelandic law and practice.

5. The United States and Iceland will cooperate in suppressing and preventing any illegal activities and in preventing any undue interference with the Icelandic economy.

Article 7

1. The temporary presence in Iceland of a member of the United States forces or of any dependent of such member, or of any non-Icelandic national employed in Iceland in connection with the operation under this Agreement and present in Iceland only by reason of such employment shall constitute neither residence nor domicile therein and shall not of itself subject him to taxation in Iceland,
either on his income or on his property the presence of which in Iceland is due solely to his temporary presence there, nor, in the event of his death, shall it subject his estate to a levy of death duties.

2. No national of the United States or corporation organized under the laws of the United States, resident in the United States, shall be liable to pay Icelandic income tax in respect of any income derived under a contract with the United States in connection with operations under this Agreement.

3. No tax or other charge of any nature shall be levied or assessed on material, equipment, supplies, or goods, including personal effects, household goods, privately owned automobiles and clothing which has been brought into Iceland in connection with operations under this Agreement. No such tax or charge shall be levied or assessed on property procured in Iceland by United States authorities for the use of the United States or its agents or for the use of personnel present in Iceland only in connection with operations under this Agreement.

Article 8

1. Save as provided expressly to the contrary in this Agreement, members of the United States forces as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of Iceland. In particular the customs authorities of Iceland shall have the right, under the general conditions laid down by the laws and regulations of Iceland, to search members of the United States forces and their dependents and non-Icelandic nationals who are contractors or employees of a contractor of the United States and to examine their luggage and vehicles and to seize articles pursuant to such laws and regulations.

2. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order. This movement order shall show the number of dispatches carried and certify that they contain only official documents.

3. The authorities of the United States forces may import free of duty the equipment for their forces and reasonable quantities of provisions, supplies and other goods for the exclusive use of the forces and their dependents and for non-Icelandic nationals who are contractors or employees of a contractor of the United States. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with the customs documents, of a certificate signed by an official of the United States forces authorized for that purpose. The list of the officials authorized
to sign the certificates, as well as specimens of their signatures and the stamps used, shall be sent to the customs administration of Iceland.

4. Members of the United States forces and their dependents may at the time of first arrival to take up service in Iceland import free of duty for the term of such service their personal effects and furniture.

5. Members of the United States forces and their dependents may import temporarily free of duty their private motor vehicles for their personal use.

6. Imports, other than those dealt with in paragraphs 4 and 5 of this Article, effected by members of the United States forces and their dependents including shipments through United States Post Offices are not, by reason of this Article, entitled to any exemption from duty or other conditions.

7. Goods which have been imported duty-free under paragraphs 3, 4 or 5 above:
   (a) may be re-exported freely, provided that, in the case of goods imported under paragraph 3, a certificate, issued in accordance with that paragraph, is presented to the customs office. The customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraph 3, 4 or 5 as the case may be.
   (b) shall not be disposed of in Iceland by way of sale, gift or barter. However, in particular cases such disposal may be authorized on conditions imposed by the customs authorities (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange). The United States authorities will prescribe and enforce to the extent possible regulations designated to prevent the sale or supply to individual members of the United States forces and their dependents and non-Icelandic nationals who are employees of a contractor of the United States of quantities of goods imported into Iceland by the United States authorities by any means, free of charge, which would be in excess of the personal requirements of such personnel and which, in consultation with Icelandic authorities, are determined to be most likely to become items of gift, barter or sale in Iceland.

8. Goods purchased in Iceland shall be exported therefrom only in accordance with the regulations in force in Iceland.

9. Special arrangements shall be made by Iceland so that fuel,
oil and lubricants for use in service vehicles, aircraft and vessels of the United States forces and non-Icelandic contractors of the United States, may be delivered free of all duties and taxes.

10. In paragraphs 1-8 of this Article “duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be.

11. The customs or fiscal authorities of Iceland may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

**Article 9**

1. In order to prevent offenses against customs and fiscal laws and regulations, the customs and fiscal authorities of the United States and Iceland shall assist each other in the conduct of inquiries and the collection of evidence.

2. The authorities of the United States forces shall render all assistance within their power to insure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of Iceland are handed to those authorities.

3. The authorities of the United States forces shall render all assistance within their power to insure the payment of duties, taxes and penalties payable by members of the United States forces or their dependents.

4. Service vehicles and articles belonging to the United States forces seized by the authorities of Iceland in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the United States forces.

**Article 10**

The United States forces and their members and dependents shall comply with the foreign exchange regulations of Iceland. Special arrangements shall be entered into between the appropriate authorities of Iceland and the United States to obviate the use of United States currency in paying personnel and to permit United States forces to acquire Icelandic currency at official rates of exchange and to convert such currency in reasonable amounts on leaving Iceland.

**Article 11**

The Government of Iceland will extend to the forces of any Government signatory to the North Atlantic Treaty, when such
forces are stationed in Iceland, the same privileges extended to the United States forces by the preceding Articles of this Annex upon the request of the Government concerned.

Article 12

1. (a) The United States waives all claims against the Government of Iceland for damage to any property owned by it and used by the United States forces and for injury to or death of members of the United States forces caused by an employee of the Government of Iceland.

(b) The Government of Iceland waives all claims against the United States for damage to property owned by it in any of the agreed areas and will make compensation and waive all claims against the United States for injury or death of an employee of the Government of Iceland occurring in such area while such employee is therein by reason of his duties, as determined by representatives of the United States and Iceland to be appointed by each, when such damage, injury or death is caused by a member of the United States forces. The Government of Iceland also waives all claims for damage to any property owned by it and for injury to or death of an employee of the Government of Iceland occurring outside any of the agreed areas caused by a member of the United States forces when it is determined by representatives of the United States and Iceland, to be appointed by each, that such property or employee was, at the time of said damage, injury or death, being utilized or employed in any respect with carrying out the provisions of this Agreement.

(c) The United States and Iceland waive all their claims against each other for damage to a vessel owned by the United States or Iceland while such vessel is being used in connection with the operation of this Agreement, wherever such damage shall occur, and whether it is caused by a member of the United States forces or by an employee of the Government of Iceland. Claims for maritime salvage by the United States or Iceland shall be waived, provided that the vessel or cargo salvaged was owned by the United States or Iceland, as the case may be, in connection with the operation of this Agreement.

(d) For the purpose of this paragraph the expressions "owned by the United States" or "owned by Iceland" or "owned
by the United States or Iceland" include a vessel on bare boat charter to the United States or Iceland, as the case may be, or requisitioned by either Government on bare boat terms or otherwise in the possession of the United States or Iceland (except to the extent that the risk of loss or liability is borne by some person other than the United States or Iceland or its insurer).

2. Claims (other than contractual claims) arising out of acts done by members of the United States forces and causing damage to, or loss or destruction of, the property of persons or bodies in Iceland or the injury or death of individuals therein except as provided in the preceding paragraph, shall be settled by Iceland in accordance with the following provisions:

(a) Claims shall be filed, considered, and settled or adjusted in accordance with the laws and regulations of Iceland with respect to claims arising from acts of its own employees.

(b) Iceland may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Iceland in its currency.

(c) Such payment, or the final adjudication of the competent tribunals of Iceland denying payment, shall be binding and conclusive upon the United States and Iceland.

(d) Every claim paid by Iceland shall be communicated to the United States military authorities together with full particulars.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraph shall be distributed between the United States and Iceland as follows:

(1) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 15% chargeable to Iceland and 85% chargeable to the United States.

(2) Where members of the United States forces and nationals of Iceland contribute to the damage, the amount awarded or adjudged shall be distributed equally between the United States and Iceland.

(3) Every half-year, a statement of the sums paid by Iceland in the course of the half-yearly period in respect of every case shall be sent to the United States together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of Iceland.
(f) A member of the United States forces shall not be subject to any suit with respect to claims arising by reason of an act done which is within the purview of this paragraph.

3. Claims presented by a national of any country at war with the United States or by an ally of such enemy country and claims resulting from action by the enemy or resulting directly or indirectly from any act by the United States forces engaged in combat are not considered to be within the provisions of this Article.

4. The military authorities of the United States and the appropriate officials of Iceland shall cooperate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the United States and Iceland are concerned.

5. The United States undertakes to procure the legislation necessary to implement its responsibilities as set forth in this Article.

D–D(51) 138

Status of Forces Agreement—Final Draft (1 June 1951)¹

[This final draft is identical with the draft Agreement contained in D–D(51) 127, with the exception of the paragraphs or parts of paragraphs given below.]

*  *  *  *  *  *  *  *

Article I

1. In this Agreement the expression—
   (a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;

*  *  *  *  *  *  *  *

2. This Agreement shall apply to the authorities of political subdivisions of the Contracting Parties, within their territories to

¹ Reference: D–D(51) 127 (7 May 1951) for previous text. A report on the present text is found in D–D(51) 146 (5 June 1951), with subsequent discussion in D–R(51) 45 (6 June 1951). Signature of the text as finally approved is recorded in D–R(51) 48 (19 June 1951).
which the Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political subdivisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

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**Article VII**

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9. Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled—

* * * * * * *

(d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;

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**Article VIII**

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage—

(i) was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connexion with the operation of the North Atlantic Treaty; or

* * * * * * *

2. *

(b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman
of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

* * * * * * *

5. * * * * * * *

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.

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7. Claims arising out of the unauthorised use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

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D–D(51) 146

Status of Forces Agreement—Report by the Chairman of the Working Group concerning the Final Draft (5 June 1951)

1. At their meeting on 24 May 1951, the Council Deputies agreed that certain points on the draft Agreement on the Status of NATO Forces should be referred back to the Working Group for consideration, and that the Working Group should be requested to draw up a final text.

2. I have the honor to report that the Working Group have considered the points referred to them, and their conclusions are set out below. A revised text of the Agreement has been prepared in accordance with their conclusions and submitted separately.

Article I, par. 1(a)

3. The word “individuals” has been added before “units or formations” to make it possible, as proposed by the United States Govern-

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1 The paragraph numbers have been added by the editor.
2 D–D(51) 127 (7 May 1951).
3 D–D(51) 137 (1 June 1951)—the final text, on which the present document is reporting.
ment, to exclude from a “force,” for the purposes of the Agreement, such persons as military attachés of diplomatic missions.

Article VIII, par. 5

4. After full discussion, the Italian Representative withdrew the proposal of his Government, which was to amend sub-paragraphs (b), (d) and (e)(iv) so as to leave the receiving State discretion regarding the payment of claims under this paragraph. It was pointed out that the paragraph, as drafted in D–D(51) 127, represented a careful balance of interests. The Working Group felt that the Italian Government’s proposal would upset this balance and render the procedure prescribed in the paragraph difficult to operate. It was also considered to be essential from the point of view of maintaining good relations between the force and the local population that claims should be paid promptly.

5. The Luxembourg Representative withdrew the proposal of his Government to extend the application of the principle embodied in paragraph 5(f) to all the provisions of Article VIII regarding the incidence of financial responsibility. This was in response to an objection that paragraph 5(f) already represented a concession made reluctantly by some Governments and that an extension of it would be difficult to accept.

Article IX, par. 7

6. The Working Group discussed the Netherlands Government’s proposed reservation to the effect that payments made in wartime in application of Article IX, paragraph 7, and other financial provisions of the Agreement should be regarded as provisional and should be reviewed at the end of hostilities with a view to adjustment. The Working Group considered that the financial arrangements established by the Agreement would in any event be the subject of review, in accordance with paragraph 1 of Article XV, at the outbreak of hostilities. They also recognized that the application of the financial provisions of the Agreement might, in time of hostilities, create a situation as a result of which some Contracting Parties might request review in bilateral negotiations after the conclusion of the hostilities with a view to preventing undue economic and foreign exchange difficulties. However, the question whether any adjustments were necessary and the principle on which adjustments, if necessary, should be made, would depend on circumstances, and no agreement, express or implied, with respect thereto could be made at the present time.
7. The Working Group recommends that the Council Deputies should confirm this understanding of the position and that a statement to that effect should be included in the Summary Records.

Points of Form

8. The following amendments of form were agreed by the Working Group. Their object is merely to clarify the intention of the provisions concerned:

Article I, paragraph 2. Add “applies or” before “extends.”

Article VII, paragraph 9. In line 1, add “or a dependent” after “civilian component”; and in sub-paragraph (d), insert “they are” before “within the jurisdiction.”

Article VIII, paragraph 1(i). Delete the words “provided that such damage was caused by such member or employee.”

Article VIII, paragraph 2(b). For “within a reasonable time,” substitute “within two months.”

Article VIII, paragraph 5(c). Amend the first two lines to read: “Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, . . . .”

Article VIII, paragraph 7. Add at the end of the paragraph: “except in so far as the force or civilian component is legally responsible.” Where the force or civilian component is legally responsible, paragraph 5 should apply.

Comments of the Canadian Government

9. Certain comments of the Canadian Government were discussed by the Working Group and are recorded in the minutes. These did not result in any amendment of the Agreement.

Provisional Implementation

10. A draft Resolution on provisional implementation was agreed by the Working Group, subject to some drafting amendments. A revised draft is attached hereto as Annex A.4

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4 Annex A is identical with the Resolution as found in D-R(51) 48, par. 5 (19 June 1951), and has therefore been omitted.
BENELUX Declaration

11. The Belgian Representative informed the Working Group that at the time of signature of the Agreement Belgium, Luxembourg and the Netherlands proposed to make a Declaration in the attached form (Annex B). This Declaration would not affect other countries. The Working Group took note of this document.

Position of Iceland

12. A number of Representatives expressed the view that both for political and for practical reasons it was desirable for Iceland to become a party to the multilateral Agreement, notwithstanding the similarity of the terms of her bilateral Agreement with the United States and her readiness to apply the provisions of the bilateral Agreement to other NATO countries. Not only was it desirable politically for the NATO powers to demonstrate their solidarity by all signing the multilateral Agreement, but also the differences of detail between the multilateral Agreement and the bilateral Agreement might cause administrative inconvenience if the latter were applied to other NATO Powers. The Representative of Iceland later informed the Chairman of the Working Group that his Government were prepared to sign the multilateral Agreement.

MS-D(51) 34

Agreement on the Status of NATO, National Representatives and International Staff—Revised Draft of Article 19 (19 July 1951)

Note by the Chairman

Members of the Working Group will recall that at the meeting on 27 June 1951, at which the draft Agreement on the Status of NATO, National Representatives and International Staff was discussed, we were unable to reach final agreement on the Article concerning taxation of the salaries and emoluments of officials. After the meeting, several members intimated to me that in their view it was undesirable to submit the draft Agreement to the Deputies until

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5 Annex B is identical with the Declaration as found in D-R(51) 48, par. 4 (19 June 1951), and has therefore been omitted.
6 For text of this Agreement, see MS-D(51) 31 (25 May 1951).
1 Reference: MS-D(51) 29(2R) (15 June 1951).
2 See MS-R(51) 25 (27 June 1951).
a greater measure of agreement had been reached on the terms of this Article.

Later the French Delegation approached the United States and United Kingdom Delegations informally with suggestions for amendment of this Article. Subsequent informal discussion between the three Delegations has resulted in the annexed draft which is acceptable to all of them.

It seemed to me that, in all the circumstances, the best course was to withhold my Report from the Deputies until an agreed Article had been achieved, and I hope that members of the Working Group will not take objection to this departure from the procedure agreed at the meeting.

I would now invite you to consider the annexed draft Article. It represents a finely balanced compromise to meet a particularly delicate situation and every word has been most carefully weighed. I very much hope, therefore, that it will be found to be generally acceptable. All members of the Working Group are, I think, sufficiently familiar with the problems involved to make it unnecessary to discuss them in this paper, but if any member would like some further explanation I am at his disposal.

I would propose to incorporate the new Article in the draft Agreement and submit the Agreement so amended to the Deputies next week unless any member of the Working Group notifies the NATO Secretariat before Tuesday, 24 July, that he objects. In this way, it may be possible to avoid a further meeting of the Working Group before the Agreement is considered by the Deputies.

It will, of course, be open to any of the Deputies to propose amendments to this or any other Article when the Agreement is discussed by them, but if any member of the Working Group feels that the new Article is likely to be unacceptable to his Government and that it is desirable to have another meeting of the Working Group to thrash the matter out, I will see whether this can be arranged.

When the Deputies receive my Report it is expected that they will refer it to Governments for final consideration and discuss it in detail a fortnight or three weeks later.

**Draft Article 19**

Officials of the Organisation agreed under Article 17 shall be exempt from taxation on the salaries and emoluments paid to them by the Organisation in their capacity as such officials. Any Member State may, however, conclude an arrangement with the Council act-
ing on behalf of the Organisation whereby such Member State will employ and assign to the Organisation all of its nationals (except, if such Member State so desires, any not ordinarily resident within its territory) who are to serve on the international staff of the Organisation and pay the salaries and emoluments of such persons from its own funds at a scale fixed by it. The salaries and emoluments so paid may be taxed by such Member State but shall be exempt from taxation by any other Member State. If such an arrangement is entered into by any Member State and is subsequently modified or terminated, Member States shall no longer be bound under the first sentence of this Article to exempt from taxation the salaries and emoluments paid to their nationals.

D–D(51) 178

Agreement on the Status of NATO, National Representatives and International Staff—Final Draft and Report by the Chairman of the Working Group (24 July 1951)¹

Report by Chairman of the Working Group

1. I have the honor to submit herewith the draft of an Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff.²

2. The draft follows generally the form of agreement which, beginning with the General Convention on Privileges and Immunities of the United Nations in 1946,³ has been adopted, with more or less minor variations, to define the privileges and immunities of practically all important international organizations. Certain departures have however been made from the precedents in order to meet the peculiar requirements of NATO.

3. NATO differs from other international organizations in that it has subsidiary bodies in permanent session in several countries. Other organizations generally only have a permanent seat in the country where they have their headquarters, and it has been usual,

¹ Paragraph numbers in the Report have been added by the editor.
³ 1 UNTS 15 (13 February 1946).
in addition to the General Agreement defining the privileges and immunities which all member States are expected to accord, to have a special Headquarters Agreement between the organization and the member State in whose territory the headquarters are located. This Headquarters Agreement covers the special requirements of the organization in the country where it has its headquarters and, in particular, grants to any national representatives stationed permanently in that country a rather more liberal scale of privileges than is given to national representatives under the General Agreement. Since NATO has permanent bodies in several countries, it has been found convenient to include in the General Agreement provisions mainly concerning national representatives, which are generally found in a Headquarters Agreement.

4. Part I contains certain general provisions. In particular, it defines those subsidiary bodies of the Organization to which the Agreement applies. These include any organ, committee or service established by the Council or under its authority (Article 1(c)) except military headquarters, e.g., SHAPE, and, unless the Council decides otherwise, any other military body (Article 2). In this connection the position of the Standing Group was considered by the Working Group. Opinion in the Working Group was divided as to whether it should be covered by this Agreement or by a separate Agreement, similar to that envisaged for SHAPE, based on the Status of Forces Agreement. As the draft stands, the Standing Group, being a military body, would be excluded from the application of the Agreement by Article 2, unless the Council (which by definition includes the Council Deputies) decides otherwise.

5. Part II deals with the status of the Organization itself. Article 4 gives it juridical personality. This means that when subsidiary bodies to which the Agreement applies wish to conclude contracts, acquire property, etc., they will do so in the name of the Organization. The immunities and privileges provided by Articles 5-11 are all normally accorded to international organizations by agreements of this type. An article generally found in such agreements concerning the treatment of official communications in the matter of priorities, rates and taxes has been omitted. A number of Governments object to it either as being impracticable in their territories or contrary to their national policy, and the International Telecommunications Union has raised objection to provisions of this kind as being contrary to the International Telecommunications Convention.

6. Part III covers national representatives and their official staffs
and follows approximately the pattern established for the United Nations in New York. In general, those permanently stationed in another member State down to the equivalent of third secretary level will enjoy the immunities and privileges accorded to diplomatic representatives and their official staffs of comparable rank (Article 12); those temporarily in another member State for NATO purposes will receive the somewhat lower but nevertheless adequate scale of privileges and immunities accorded to similar personnel under the agreements relating to other international organizations (Article 13); and official clerical staff not otherwise covered will receive a slightly lower scale still (Article 14).

7. Part IV deals with the international staff of the Organization and experts on missions for the Organization. The Article which gave rise to the most difficulty was Article 19, which concerns taxation on the salaries and emoluments of officials. The rather complicated formula evolved has been very carefully drawn to provide exemption for members of the staff who are paid directly by the Organization at the normal rates, but to enable those States which arrange to pay their nationals employed on the staff at higher rates out of their own budgets to charge income tax on the salaries and emoluments so paid.

8. Part V concerns the settlement of disputes. Parts VI and VII contain formal provisions. The Agreement will be subject to ratification and will come into force when six States have ratified. It may be denounced by giving one year’s notice.

9. The attention of the Deputies is drawn to the fact that the Summary Records of the meetings of the Working Group record a number of statements regarding the interpretation and application of the text of the Agreement.

10. The Working Group propose that at the time of signature of the Agreement the Deputies should adopt a Resolution as was done in the case of the Status of Forces Agreement, recommending member States to give effect to the Agreement to the maximum extent possible pending ratification. A draft Resolution is annexed.4

Draft Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff

[The text of this draft is identical with the final text,5 except

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4 This draft Resolution is identical with that in D–D(51) 206 (16 August 1951) and has therefore been omitted.
5 For final text, see page 34, supra.
that in the latter the square brackets found in Article 18 (infra) of D–D(51) 178 are deleted.]

* * * * * * *

**Article 18**

Officials of the Organisation agreed upon under Article 17 shall:

* * * * * * *

(b) [be granted, together with their spouses and members of their immediate families residing with and dependent on them, the same immunities from immigration restrictions and aliens' registration as is accorded to diplomatic personnel of comparable rank;] 6

* * * * * * *

(d) be given, together with their spouses and [members of their immediate families residing with and dependent on them.] 6 the same repatriation facilities in time of international crisis as are accorded to diplomatic personnel of comparable rank;

* * * * * * *

**D–D(51) 206**

**Agreement on the Status of NATO, National Representatives and International Staff—Provisional Implementation (16 August 1951)**

*Draft Resolution on Provisional Implementation of the Agreement* 1

The Council Deputies,

Considering that some provisions of the Agreement signed today on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, can be implemented by ad-

6 The words in square brackets were inserted by corrigendum of 10 August 1951, pursuant to an amendment to these two subparagraphs approved by the Council Deputies: D–R(51) 58, par. 52-54 (25 July 1951).

1 Adopted (with the deletion of the words "signed today") by the Council Deputies: D–R(51) 68, par. 52(1) (3 October 1951).
ministrative action without the necessity for legislation and that such implementation would be useful in the period before the Agreement is ratified.

Recommend that signatory States should give effect to the Agreement provisionally, pending ratification, to the maximum extent possible.

**D-‐D(51) 224**

**Agreement on the Status of NATO, National Representatives and International Staff—BENELUX Declaration (31 August 1951)**

*Draft Declaration by the Governments of Belgium, Luxembourg and the Netherlands*¹

On signing the Agreement of today’s date regarding the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, the Plenipotentiaries of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, make the following declaration:

The nationals of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands may not avail themselves of the provisions of the present Agreement to claim in the territory of one of these aforesaid Powers any exemption which they do not enjoy in their own territory, with respect to duties, taxes and other dues, which have been or will be standardised by virtue of conventions which have been or will be concluded for the purpose of bringing about the Economic Union of Belgium, Luxembourg and the Netherlands.

**D-‐D(51) 229**

**Agreement on the Status of NATO, National Representatives and International Staff—Extension to NATO Military Bodies (7 September 1951)**

*Report by the Chairman of the Working Group*

1. I have the honor to report that the Working Group met on 24 August 1951 to consider the questions referred to it at the meeting of the Deputies on 22 August, concerning the draft Agreement

¹ Noted by the Council Deputies: D-R(51) 68, par. 52(3) (3 October 1951).
on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff.

2. The Working Group first discussed questions relating to Article 2 of the Agreement. They recommend that Article 2 should not be amended but that, at the time of the signature of the Agreement, a Resolution should be adopted in the form annexed to this report so as to make the Agreement applicable to the Military Representatives Committee, the Standing Group and the Military Standardization Agency. (The Secretariat has since drawn attention to the point that the Military Committee should also be included in the resolution, and it has accordingly been included in the annexed draft). As regards new agencies of these bodies which might be created in the future, the Working Group were of the opinion that it would be preferable to leave their position to be decided by the Deputies ad hoc when they are established.

3. Since the meeting of the Working Group, I have been informed that the Canadian Government have decided to accept Article 19 without reservation. The Working Group agreed that in this event Article 19 required no amendment.

Draft Resolution

The Council Deputies,

Having noted that Article 2 of the Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, provides that the Agreement shall not apply to any military bodies of the Organisation unless the Council (which by definition includes the Council Deputies) decides otherwise,

Decide that the Agreement shall apply to the Military Committee, the Military Representatives Committee, the Standing Group and the Military Standardisation Agency as subsidiary bodies of the Organisation.

D–D(51) 252

Agreement between the United States and NATO, pursuant to Article 19 of the Agreement on the Status of NATO, National Representatives and International Staff (9 October 1951)

Agreement

Since the Government of the United States desires to enter into

1 Adopted by the Council Deputies: D–R(51) 68, par. 52(2) (3 October 1951).

15 UST 1087, TIAS 2992. An earlier draft of this Agreement, which appeared in D–D(51) 211 (21 August 1951), has been omitted since it is identical
an arrangement with the North Atlantic Council, acting on behalf of the North Atlantic Treaty Organisation, as provided in Article 19 of the proposed Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, signed at Ottawa, Canada, September 20, 1951, it is, therefore, agreed by the Government of the United States and the North Atlantic Council, acting on behalf of the North Atlantic Treaty Organisation, as follows:

1. Whenever the Organisation desires the services of a United States national, it will notify the Deputy United States Representative, North Atlantic Council, of: (A) The nature of the position to be filled; (B) The qualifications which an individual must possess to fill the position; and (C) The salary which such individual would receive if employed by the North Atlantic Treaty Organisation. The Organisation may notify the Government of the United States of the name(s) of any individual(s) it deems acceptable for the position.

2. The Government of the United States may assign to the Organisation a United States national from its Government service who is acceptable to the Organisation. The Government of the United States will provide security clearance for the individual concerned.

3. The Government of the United States will pay any and all salaries and emoluments of United States nationals, who are employed by it and assigned to the Organisation, from its own funds at rates determined by the Government of the United States.

4. The Organisation agrees that it will not pay salaries and emoluments to any citizen of the United States.

5. The Organisation will credit to the United States the amounts of salaries and emoluments which would otherwise have been paid by the Organisation to United States nationals and will deduct the total of such credits for each fiscal year from the amount assessed the Government of the United States by the Organisation, in respect of the annual contribution of the Government of the United States for the subsequent fiscal year.

In witness whereof, This Agreement is executed at London on this 29th day of September, 1951, by Sir F. R. Hoyer Millar, Vice-Chairman of the North Atlantic Council Deputies, on behalf of the North Atlantic Treaty Organisation, and by Charles M. Spof-
ford, United States Deputy Representative to the North Atlantic Council, on behalf of the Government of the United States.

(Signed) F. R. Hoyer Millar

(Signed) Charles M. Spofford

D–D(51) 266

Status of Forces Agreement—Note by the Executive Secretary on Passport and Visa Requirements (2 November 1951)

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3. The Netherlands Government has pointed out that national authorities should be supplied with samples of the documents mentioned in paragraph 2 of Article III. These documents are: Personal identity card, and individual or collective movement order. As the receiving States may require the movement orders to be countersigned by its appropriate representative, facsimile of these signatures would also be required (paragraph 2(b) of Article III).

4. The Italian Government proposes that movement orders should be standardized.

5. The Canadian Government is considering the possibility of waiving passport and visa requirements on a reciprocal basis in the case of members of forces located in a neighboring NATO receiving State who may wish to enter Canada on leave. In this case they should hold identity cards and official leave documents.

6. The following possibilities arise with regard to identity cards and movement orders:

(i) introduction of a standard form of identity card for members of the forces of NATO countries; alternatively national authorities of all NATO countries should be provided with samples of personal identity cards in use;

(ii) the adoption of a standard form of movement orders for use by all NATO forces or individual members of these forces; or to provide national authorities of all NATO countries with samples of individual and collective movement orders in use.

7. As instructed, the Secretariat has consulted the London Branch of the Standing Group Secretariat in this matter. It is recommended that, since this is a military question, it should be referred to the Standing Group for action.
2. The Netherlands and Italian Deputies have already pointed out that the documents provided for under Article III will need to be agreed by national authorities, and the Council Deputies decided on 3 October 1951 that the question of a standard form of movement order for forces of all NATO countries should be referred to the Standing Group. It should also be noted that national immigration services, as well as military authorities, are concerned with this question, and it is suggested that each member of the Military Representatives Committee, who will presumably be asked to endorse the Standing Group's recommendations, should be responsible for clearing the proposed form with his own national immigration authorities. The same procedure might also be followed in respect of specimens of the forces' identity cards used by the different NATO countries, though it does not seem necessary in this case to devise a standard form. A further question arising from Article III, already raised by the Canadian Deputy, is that of NATO forces proceeding on leave to another NATO country than that in which they are stationed. The United Kingdom is prepared to waive passports and visas for such forces, provided: (a) that they are carrying the documents prescribed in Article III and movement orders or leave passes indicating the duration of their leave, and (b) that the length of their leave (not being leave pending discharge) does not exceed 21 days.

3. Article V, paragraph 2, calls for a distinctive nationality mark for service vehicles, and it is suggested that this question should also be referred to the Standing Group or one of its agencies—possibly the Army Board of the Military Standardization Agency. It will further be necessary for the receiving State to have a central list of the vehicles maintained in its country by the sending State, and the same body might also make recommendations on how this should be arranged.

4. As indicated above, the United Kingdom is prepared to put the provisions of Article VIII into effect for any other NATO
country which is willing to afford reciprocal treatment to the United Kingdom. This might create a situation in which only a limited group of NATO countries were operating the claims provisions among themselves, but as it is envisaged under Article XVIII that the Agreement might at a given time be in force between only four of the NATO countries if it had not yet been ratified by the remaining signatories, this should not give rise to undue difficulty. Before Article VIII can be put into force, however, it will be necessary to agree on certain procedural arrangements. A draft resolution on this point is attached (Annex A), together with a draft procedural agreement (Annex B) and a specimen traffic accident form (Annex C). This last will, of course, require certain modifications to make it applicable to other Governments. It is suggested that these documents should be referred for consideration to the Working Group which drafted the main Agreement.

Annex A

Draft Resolution

The North Atlantic Council Deputies,

Considering that the implementation of Article VIII of the Agreement signed in London on 19th June, 1951, regarding the Status of Forces of Parties to the North Atlantic Treaty will be greatly facilitated by the adoption by the Contracting Parties of mutually acceptable arrangements on certain matters of common concern not provided for in the Agreement itself,

Approve for that purpose the arrangements set out in the Annex to this Resolution.

Annex B

Claims Procedure under Article VIII of the Agreement signed in London on 19th June, 1951, between the Parties to the North Atlantic Treaty regarding the Status of their Forces

1. Each Contracting Party shall inform the other Contracting Parties of the addresses of:

(a) the Office or Department within its own territory nominated by it to deal with claims with which it is concerned in the capacity of receiving State (hereinafter referred to as "the Office of the Receiving State"); and

(b) the Office or Offices nominated by it for dealing with claims with which it is concerned in the capacity of sending State
(hereinafter referred to as "the Office of the Sending State").

2. (a) Each Contracting Party shall make arrangements to secure that any damage or claim in which it is concerned and to which paragraph 1 or 2 of Article VIII applies is reported at the earliest possible moment to an Office or Department nominated by it under paragraph 1 of this Resolution.

(b) As soon as possible after an Office or Department has received a report in accordance with sub-paragraph (a) of this paragraph, it shall notify the appropriate Office or Department of each other State concerned and submit thereto its proposals as to how the matter should be dealt with.

(c) The Office or Department receiving a notification in accordance with sub-paragraph (b) shall, within 21 days, inform the Office or Department which has made the notification if it does not agree with the procedure proposed for dealing with the matter, and if it fails to do so the procedure shall be regarded as accepted.

(d) If the claim is submitted to arbitration is accordance with paragraph 2 of Article VIII; the Office of the Receiving State shall be responsible for arranging the appointment of the arbitrator agreed between the Contracting Parties concerned.

(e) The fees and expenses of the arbitrator appointed to decide a claim under paragraph 2 of Article VIII shall be paid in the first instance by the receiving State, which shall claim reimbursement by the other Contracting Parties of the amount of their shares through the half-yearly accounts rendered in accordance with paragraph 5(e)(iv) of Article VIII.

(f) Any reimbursement due in respect of amounts of compensation determined under paragraph 2 of Article VIII shall also be claimed through the half-yearly accounts referred to in (e) above.

3. (a) Any act, omission or occurrence which may give rise to a claim falling within the terms of paragraph 5 of Article VIII shall be reported by the Service unit or formation concerned to the Office of the Sending State as soon as possible in accordance with instructions which shall be issued by the sending State to its forces and civilian components.

(b) When a claim for which a sending State may be liable under paragraph 5 of Article VIII is received by any of its
authorities otherwise than from the Office of the Receiving State, the Office of the Sending State shall immediately notify the Office of the Receiving State.

(c) When a claim for which liability of a sending State may exist under paragraph 5 of Article VIII is received by the receiving State otherwise than from the Office of the Sending State, the Office of the Receiving State shall immediately notify the Office of the Sending State.

(d) Immediately on being notified of a claim or possible claim in accordance with (a), (b) or (c) of this paragraph, the Office of the Sending State shall collect and record all relevant evidence obtainable from its own sources and shall send this evidence without delay to the Office of the Receiving State. In the case of traffic accidents, reports shall be made in the form annexed hereto in the language of the sending State and of the receiving State.

(e) The Office of the Receiving State shall make available to the sending State all information in its possession which the sending State may require for the purpose of taking disciplinary action against any member of its force or civilian component or for the purpose of taking such action as it may consider necessary in its own interests.

4. The procedure prescribed in paragraph 3 above shall also be followed in the case of claims to which paragraph 6 of Article VIII applies.

5. (a) The half-yearly statement which the receiving State is required to furnish under paragraph 5(e)(iv) of Article VIII shall be sent to the Office of the Receiving State and shall include:

(i) the reference number given to each case by the Office of the Sending State for the purpose of identification;
(ii) the reference number given to each case by the Office of the Receiving State;
(iii) the date of the incident, particulars of the Service unit or formation involved, and, if appropriate, the official number of the vehicle or aircraft concerned;
(iv) the total amount of the award paid;
(v) the date on which payment was made;
(vi) the name of the person to whom the award was made;
(vii) any amounts recovered from a third party by the receiving State in respect of an accident involving personnel of a sending State, the date on which recovery
was effected and the name of the person making payment.

(b) Any sending State shall have the opportunity, upon request, of inspecting files upon which payments concerning it have been made by a receiving State, and such inspection will be carried out at the Office of the Receiving State.

6. Each of the Contracting Parties which has mutual forbearance or loss settlement agreements with insurers or other authorities for the purpose of regulating claims arising out of vehicle accidents may extend such agreements in order that they shall apply to claims in respect of damage or injury arising out of the use of vehicles belonging to sending States and for the settlement of which as receiving State it is responsible.

[Annex C has been omitted.]

D–D(51) 300(R)

Protocol on the Status of Allied Headquarters—Revised Draft (3 January 1952)¹

Draft of Protocol to be annexed to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces

Article 1

Subject to the following provisions, the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces shall apply to Allied Headquarters and also to their personnel when outside their national territory.

Definitions

Article 2

(a) "The Agreement" means the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces.

¹The text of D–D(51) 300(R) is identical with that of D–D(51) 300 (12 December 1951), except for the insertion of a new Article 12 (military postal service) and the consequent renumbering of Articles 12 and 13 as Articles 13 and 14. The earlier text was not the subject of any recorded discussions. For discussion of D–D(51) 300(R), see MS–R(52) 2 (17–18 January 1952); MS–R (52) 4 (23 January 1952). See also D–D(52) 2 (3 January 1952).
(b) "Allied Headquarters" means a Headquarters set up pursuant to the North Atlantic Treaty and established under a special agreement upon the territory of a Party to that Treaty, and made up of the elements covered in paragraph 1 (a) and (b) of Article I of the Agreement.

(c) The abbreviation "SHAPE" stands for the Supreme Headquarters, Allied Powers in Europe.

(d) "Subordinate Headquarters" means an Allied Headquarters operating with funds provided by SHAPE's international budget.

Application of the Status of Forces Agreement to Allied Headquarters

Article 3

(a) When members of an Allied Headquarters are not engaged in the performance of their duties, they shall be subject to the provisions set out in the Agreement.

(b) When members of an Allied Headquarters are engaged in the performance of their duties, the rights and obligations which the Agreement gives to or imposes upon the sending State or its military authorities in respect of its own forces shall be vested in, or be incumbent upon, SHAPE. However, the right of jurisdiction and disciplinary powers over the members of an Allied Headquarters shall be exercised by their sending State in the cases and under the terms provided by Article VII of the Agreement.

Article 4

Instead of the collective or individual movement order which members of a force are required to have under paragraph 2(b) of Article III of the Agreement, there shall be substituted in respect of the members of an Allied Headquarters, an individual identity card issued by that Headquarters, bearing the name, Christian names, date and place of birth, nationality, rank, registration number and period of validity.

The civilian components of an Allied Headquarters and the dependents of members of such Headquarters shall carry a similar identity card issued in the same manner for the purpose of proving their identity.

These cards must be produced at all times upon request.
**ARTICLE 5**

For the implementation of paragraph 10 of Article VII of the Agreement, Allied Headquarters shall use their own police.

**ARTICLE 6**

If any immovable property, land or building has been provided for an Allied Headquarters by a receiving State, the latter shall resume possession of all installations as soon as these are no longer required by the Headquarters. In every case, the increase or loss of value of the property shall be evaluated in accordance with the domestic legislation of the receiving State. The Council Deputies shall decide the manner in which the resultant profits or losses to the receiving State are to be brought to account. Such profits or losses shall be distributed according to the arrangements for sharing capital costs on the SHAPE budget.

*Rights, Immunities and Privileges of Allied Headquarters*

**ARTICLE 7**

So far as necessary for the fulfilment of its task, SHAPE shall have the capacity to conclude contracts and to acquire or to dispose of property. The conditions on which it will exercise these rights shall form the subject of special agreements with the receiving State.

**ARTICLE 8**

Subject to the provisions of Article VIII of the Agreement, SHAPE may engage in legal proceedings as claimant or defendant. However, SHAPE and the receiving State may agree that the latter shall act on behalf of SHAPE in the courts of that State in the conduct of legal proceedings arising out of its contractual capacity.

No measure of execution or measure directed to the seizure or attachment of property in dispute shall be taken against SHAPE.

**ARTICLE 9**

(a) To enable it to operate its international budget, SHAPE may hold currency of any kind and operate accounts in any currency.

(b) Governments shall undertake to facilitate transfers of SHAPE's funds from one country to another and the con-
version of any currency held by SHAPE into any other currency.

Article 10

The inviolability of the documents and archives of Allied Headquarters shall be assured as follows:

(a) archives and other official documents or papers of an Allied Headquarters kept in premises used by those Headquarters or kept by properly authorised members of a Headquarters shall not be seized, unless the Headquarters has expressly waived this immunity;

(b) in cases falling within the jurisdiction of the receiving State, the authorities of that State may request that a qualified representative of the Headquarters concerned satisfies himself in their presence that the archives, documents and papers are of an official character.

Personal Immunities and Privileges

Article 11

The Supreme Commander, Allied Forces in Europe, shall have the status of a head of a diplomatic mission. His Deputies, his Chief of Staff, the Commanders-in-Chief under his Command, and possibly a small number of Staff Officers directly under his control, a list of whom shall be prepared and kept up to date by the North Atlantic Council Deputies, shall be granted, outside the territory of their sending State and for the duration of their mission:

(a) immunity from personal arrest or detention;
(b) inviolability of their personal papers and documents;
(c) the facilities accorded to diplomats in respect of currency or exchange restrictions;
(d) the same immunities and facilities as are accorded to diplomats in respect of their personal baggage;
(e) immunity from legal process in respect of any words spoken and acts done by them in their official capacity and within the limits of their authority. This immunity in respect of words spoken and acts done shall continue after their duties terminate.

The privileges referred to in paragraphs (a) and (d) above shall also be accorded to dependents, as defined in Article I of the Agreement, of the persons entitled to them.
Military Postal Service

Article 12

Allied Headquarters may organise a Military Postal Service for the transmission of their mail and for the postal requirements of the members of their staffs.

The appropriate transportation may be effected by means at the disposal of Allied Headquarters.

If the P.T.T. Department of the receiving State is called upon to transmit telegrams, the charges in respect of such services shall be refunded to it.

Entry into Force

Article 13

This Protocol shall be submitted to the Council Deputies in accordance with document D–D(51) 127. It shall enter into force on the same conditions as the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces.

However, a special agreement between the Supreme Command and the authorities of the receiving State may fix the dates on which certain of its clauses shall enter into force by administrative means.

Article 14

Articles 2 to 12 of this Protocol may be revised in the circumstances provided in Article XVII of the Agreement.

D–D(51) 301(R)

Draft Agreement between France and SHAPE Regarding the Establishment and Operation of Allied Headquarters on French Territory (3 January 1952)

Draft Agreement between the Government of the French Republic and SHAPE regarding Special Conditions applicable for the Establishment and Operation of Allied Headquarters on French Territory

The Government of the French Republic and SHAPE,

Considering that the general relations between the Parties to the North Atlantic Treaty and Allied Headquarters have been defined

1 For discussion, see D–D(52) 2 (3 January 1952); MS–R(52) 4 (23 January 1952).
in the Protocol annexed to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, but that certain special provisions should be laid down by the Government of the French Republic and SHAPE regarding the establishment and operation in France of such Allied Headquarters as may be located there.

Have agreed as follows:

Article 1

Definitions

(a) The "Agreement" means the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces.

(b) "Allied Headquarters" means a Headquarters set up pursuant to the North Atlantic Treaty, and established under a special agreement upon the territory of a Party to that Treaty, and made up of the elements covered in paragraph 1 (a) and (b) of Article I of the Agreement.

(c) The abbreviation SHAPE stands for the Supreme Headquarters, Allied Powers in Europe.

(d) "Subordinate Headquarters" means an Allied Headquarters operating with funds provided by SHAPE's international budget.

Article 2

The peacetime location on French territory of the various sections of SHAPE and its subordinate headquarters shall be decided by direct agreement between the French Government and SHAPE. Any alteration in such location shall be decided in the same way.

Article 3

The French Government shall be kept informed by SHAPE of the Headquarters establishment and any alterations in such establishment. Insofar as such alterations concern complete units, whatever their size, they must receive the prior approval of the French Government.

Article 4

Any request or communication from SHAPE to the French Government or to the French authorities shall be transmitted through the French Military Representative attached to SHAPE Headquarters.
Article 5

The requirements of Allied Headquarters in regard to construction work, the renting of premises, the placing at their disposal of State property, and the provision of services connected with the use of any building, shall be met by the appropriate French Departments in accordance with French regulations applicable to transactions of the same type carried out on behalf of the State.

In the case of each contract, the technical specifications, the financial clauses and the list of firms invited to submit tenders shall be agreed and drawn up in consultation with SHAPE, and the approval of the contract shall also be subject to SHAPE’s prior agreement. The contract shall then be signed and followed up by the French authorities.

Any disputes or legal proceedings which may arise with the contractors shall be investigated, pursued and settled by the French Departments in accordance with French regulations. Nevertheless, SHAPE shall be consulted prior to any compromise settlement and to any decision to institute or withdraw court proceedings.

The costs of carrying out contracts or settling legal actions shall normally be met out of a special account maintained by SHAPE in accordance with a procedure established by agreement with the French Liaison Mission assisting the Allied Armies.

The administrative expenses incurred by the French Government in respect of the matter covered by the present Article shall be refunded by SHAPE on the basis of expenditures actually incurred.

Article 6

The right of acquisition provided by Article 7 of the Protocol shall be subject, in each individual case, insofar as real property is concerned, to the prior agreement of the French Government. In the exercise of their right of ownership, SHAPE and the subordinate Headquarters shall be under the obligation to respect French legislation and regulations.

Article 7

The adjustment of the increase or depreciation in value of private buildings rented shall be effected in accordance with French common law.

Article 8

With respect to purchases made in France, except those made in an emergency and those of small value, Allied Headquarters shall, when procuring goods required for their establishment and operation, pay due attention to the advice of the appropriate French Departments.
Nevertheless, in order to ensure that such purchases do not adversely affect the local economy, the French authorities shall indicate, as necessary, any articles the purchase of which is subject to restriction or prohibition.

**Article 9**

The recruitment and employment, in France, of the civilian labour required by Allied Headquarters shall be governed by the conditions laid down in paragraph 4 of Article IX of the Agreement, the appropriate social security contributions being paid in accordance with the provisions of the common law. However, Allied Headquarters may recruit their administrative civilian staff direct in all countries Parties to the North Atlantic Treaty.

Any person employed by any Allied Headquarters shall first be screened in respect of security by the Government which is in the best position to carry out such screening.

**Article 10**

At SHAPE’s request, the French Government may consent to act on its behalf in any proceedings before the French courts relating to the settlement of disputes or legal actions arising out of the application of Articles 7 and 8 above.

**Article 11**

As an exception to the provisions of Article 4 above, applications for subscriptions to the telephone network and the TELEX network shall be submitted direct to the PTT Department. The appropriate official application forms shall be sent to the “Liaison Mission assisting the Allied Armies.”

Application for the telephone and telegraph circuits required for the operation of Allied Headquarters shall be submitted to the “Military Commissary for Telecommunications Networks.” The appropriate official application forms shall be sent to the “Liaison Mission assisting the Allied Armies.”

The works performed and services rendered by the Ministry of PTT shall be charged in accordance with the regulations and rates in force in that Department in its dealings with the French Armed Forces.

**Article 12**

(a) The official mail of Allied Headquarters may be sent through the French Postal Services; where appropriate, it will be exempted, like the mail of the French Armed Forces, from prepaid postage; the
total amount of the postal charges shall be collected by the French PTT Department, with the approval of the SHAPE Budget Office, on receipt of an invoice drawn up periodically to show the verified volume of the mail in question.

(b) Correspondence, other than official documents, despatched from or addressed to Allied Headquarters and the members of their staffs, which is forwarded or received through the French Postal Services, must be prepaid by means of postage stamps of the sending country, in conformity with the provisions of the Convention and Arrangements of the Universal Postal Union.

(c) Articles despatched by or addressed to Allied Headquarters and members of their staffs through the post and in postal parcels, whether through the agency of the French Services or through the services of the Armed Forces, shall be subject to customs control.

The procedure to enable the exercise of this control and the collection of any duties and taxes which may be due shall be drawn up by direct agreement between the competent SHAPE authorities and the French customs authorities.

(d) Official consignments of the type covered by the previous paragraph shall be exempt from customs control, provided they are sealed or bear an official label, the form and wording of which shall be communicated to the French Customs Department.

Article 13

SHAPE and its Subordinate Headquarters may import, install and use on French territory military radio and radar stations.

The frequencies used shall be the subject of agreement between the Contracting Parties; they will be used exclusively for official purposes.

In peacetime, the technical arrangements connected in particular with the site and transmitting power of the stations shall be decided between the SHAPE services and the appropriate French authorities.

Article 14

(a) In order to meet its requirements in France, SHAPE may convert the currency in its possession into French francs; for this purpose special accounts shall be opened in its name in the Bank of France; the francs which are entered on such special accounts and are not used shall be reconvertible into the original currency.

(b) SHAPE may use the francs obtained by the surrender of one currency of the European Payments Union to purchase another currency of the European Payments Union.
Article 15

The French Government agrees to extend to the civilian components of Allied Headquarters and to dependents, on certain conditions and subject to certain limitations, the benefit of the provisions of paragraph 4 of Article XI of the Agreement.

At SHAPE's request the French Government shall inform it of such conditions and limitations.

Article 16

SHAPE and its Subordinate Headquarters shall be exempt from all direct taxation with the following exceptions:

(a) the standard payment by employers of 5 percent of the salaries received by French nationals or persons normally domiciled in France;
(b) charges by way of payment for public utility services;
(c) taxes due on such premises as it may own under the terms of Article 5 (b) above.

They shall be exempt from taxes levied on income from sales and services rendered in their messes, bars, and canteens, provided that access to those premises is regulated by provisions which have received the prior approval of the appropriate French fiscal authorities and that they are run on non-commercial lines.

They shall take account of the views of the French Ministries of Finance and Economic Affairs in fixing the categories and quantities of imported goods which entitled persons may procure from the appropriate sales agencies of Allied Headquarters.

Article 17

The present agreement regarding special conditions for the establishment and operation on French territory of Allied Headquarters shall come into force after ratification, without prejudice to the earlier application of those of its provisions which may be implemented merely by administrative decision.

Article 18

The present agreement shall remain in force as long as SHAPE or any Headquarters are located in France. It may be reviewed at the request of one of the Parties and by common agreement between them.

*Report on the Draft Protocol*

I

1. As soon as it was announced that Supreme Headquarters, Allied Powers Europe (SHAPE) were to be installed in France, the French Government began to examine the conditions for the establishment and operation of those Headquarters and their integrated general staff. A first draft agreement in this connection was submitted to SHAPE on 15 March 1951.

2. On 7 May 1951, the Working Group charged by the Council Deputies with the examination of the status of the Armed Forces requested the French Government in a report\(^2\) to study with SHAPE the question of the application of the Status of Forces Agreement to Allied Headquarters and to make proposals to it which might form the subject of a Protocol to be attached to the Agreement on the Status of the Armed Forces.

3. These terms of reference went beyond the question of the special relations between SHAPE and the French Government. For that reason it seemed desirable to prepare:

   (a) a text of general scope to settle the status of Allied Headquarters and members of their staffs in the form of a Protocol to be attached to the Agreement of 19 June 1951; and

   (b) a special text to settle the relations between SHAPE and the French Government.

4. The negotiations conducted with SHAPE resulted in a draft Protocol of fourteen articles, which the French Government has the honor to submit to the Council Deputies.

5. It did not seem possible to separate the Protocol from the draft bilateral Agreement, although the Council Deputies are not required to give a decision on the latter text, which—subject to a final agreement to be reached as regards Article 16(a) and (c)—has been agreed by both Parties; but the bilateral Agreement throws light upon the Proto-

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\(^1\)References: D-D(51) 300(R) and D-D(51) 301(R), both dated 3 January 1952. The paragraph numbers in the present document have been added by the editor.

\(^2\)D-D(51) 127, Report, par. 5 (7 May 1951).
col, to which it is complementary. It should therefore be read with the present report.

II

6. The broad lines of the Protocol may be summarized as follows.

7. Article 1 lays down the principle of the application, to Allied Headquarters and the members of their staffs, of the Agreement on the Status of the Armed Forces concluded on 19 June 1951.

8. In laying down the specific methods of applying this Agreement, the French Government was guided by two considerations:

1. Because of its assignment and the international budget allocated to it, SHAPE has been given a certain status by the Council Deputies.

2. Members of Allied Headquarters, though members individually of the armed forces of their sending country, are grouped into one integrated general staff, and these Headquarters themselves, in the case of subordinate Headquarters, are dependent upon SHAPE.

9. It therefore seemed logical to lay down that when members of an Allied Headquarters acted in their official capacity, that is, as members of an integrated Headquarters, SHAPE replaced their sending State with regard to the rights and obligations which the Agreement of 19 June 1951 gives to or imposes upon such State. This rule makes it possible to interpret in a general manner the Articles of the Agreement, whether the sending State is designated under that name or by the term “Contracting Party,” as in Article VIII, paragraphs 1, 2, 3 and 4. On the contrary, when members of the Headquarters are not acting in their official capacity, the Agreement of 19 June 1951 applies in a straightforward manner, without interposition by SHAPE.

10. After prescribing how the Agreement of 19 June 1951 shall apply, the draft determines the special privileges and benefits accorded to Allied Headquarters and to certain members of these bodies by reason of their assignment. It recognizes SHAPE’s capacity, under certain conditions, to conclude contracts, to acquire or to dispose of property, authorizes it to effect whatever currency transactions are necessary to enable it to operate its international budget, and lays down that the archives and documents of all Allied Headquarters shall be inviolable. Moreover, it grants the privileges of diplomatic status both to the Supreme Commander personally and to a number of persons charged with highly responsible duties; a list of these persons will be put forward by SHAPE to the Council Deputies through the Standing Group.
III

11. The draft Protocol has been agreed by SHAPE except as regards four points:
(a) Financial settlements to take place once the installations built by SHAPE are no longer required (Article 6 of the draft);
(b) exemption from excise duties and sales tax (new Article proposed by SHAPE);
(c) free conversion of currency (Article 9);
(d) operation of military post offices in the receiving State (Article 12).

12. Concerning these four points, the observations of SHAPE are submitted below, together with the comments of the French Government.

A. INSTALLATIONS BUILT BY SHAPE AND NO LONGER REQUIRED.

Comments of SHAPE

13. Special attention is drawn to Articles 6 and 7 [of the draft Protocol]. Under Article 7, SHAPE and its subordinate Headquarters are empowered to acquire immovable property, but this right is strictly limited by the provisions of Article 6 of the draft Agreement between the French Government and SHAPE, as the French Government only intends to authorize SHAPE or any of its subordinate Headquarters to acquire immovable property in certain exceptional cases of no great importance.

14. According to French law, all buildings or other immovable construction built or to be built in France automatically becomes the property of the owner of the ground upon which it is built.

15. Since it is the intention of the French Government only to authorize SHAPE to acquire immovable property of no great importance, the result of Article 6 will be that existing or intended construction on French territory, financed by the international budget, will automatically become the property of the French Government.

16. Moreover, in view of the fact that similar laws on property are not in force in all NATO countries, SHAPE does not consider itself justified in agreeing to Article 6, and the question is therefore submitted for the special attention of the Council Deputies.

Comments of French Government

17. The difficulty encountered here derives from the differences in the domestic laws of the various countries. In the first place, in the
In the case of privately owned grounds or buildings, the law of the receiving State applies de plano. In the second place, the French Government would point out that, under its own legislation, the buildings built by SHAPE upon ground belonging to the State, or the alterations made by SHAPE to a building owned by the State, would be the subject of a right of "ownership" on the part of SHAPE. Such buildings or alterations may increase the value of grounds or buildings, thus entitling SHAPE to a claim upon the French Government; but this increase in value may be more than offset by the depreciation undergone by the ground or building through having been altered or put to a new purpose.

18. Once any immovable property owned by France is no longer required by SHAPE, the comparison of these two factors will make it possible finally to determine which of the two parties—the French Government or SHAPE—is a creditor to the other, and to what extent.

19. Assuming this first question to be settled, there remains that of sharing the profit or loss between member States.

20. The wording proposed for Article 6 uses that of a formula already employed by the specialist Working Group.

B. Exemption From Excise Duties and Sales Tax.

Proposed Article

21. SHAPE requests the insertion, between Articles 8 and 9, of the following new Article:

Although SHAPE does not, in principle, claim exemption from excise duties and from the sales tax included in the price of movable or immovable goods, Governments of States which are Parties to the North Atlantic Treaty shall nevertheless take appropriate administrative measures to ensure the remission or reimbursement of the amount of these duties and taxes whenever SHAPE makes, for its own official use, important purchases whose price includes duties and taxes of this nature.

Comments of SHAPE

22. The French Government points out that its own services are not exempted from these taxes; but it should not be overlooked that in such cases these payments obviously amount to a transfer from one account to another, and result from the application of the "gross budget" principle in the French budget system; they are therefore fictitious.
23. Moreover, the payment of these taxes by SHAPE or its subordinate Headquarters constitutes a real payment with a corresponding entry of foreign currency, to the benefit of the French Treasury. Hence such payments represent a levy paid by SHAPE without counterpart.

24. The payment of these taxes could be justified in part if the fact of SHAPE being located on French territory resulted in a financial loss for the French Government; but, in reality, the French Government derives considerable profit, made up in particular of dollars, as a direct result of the establishment of SHAPE and its subordinate Headquarters on French territory.

25. In confining its request to an exemption covering important purchases, SHAPE considers it is making a reasonable proposal which, moreover, is in accordance with the text agreed in connection with the Status of the North Atlantic Treaty Organization, National Representatives and International Staff.

Comments of French Government

26. The object of the present Protocol is to apply to Allied Headquarters the Agreement of 19 June 1951 on the Status of Armed Forces. For the questions not covered by that Agreement—and for those questions only—it is possible to refer to the Agreement signed at Ottawa on 20 September 1951, concerning the status of NATO civilian agencies.

27. Now, with regard to the specific point referred to above, there is a contradiction between the status of civilian agencies and that of Armed Forces, since the latter in its Article IX, paragraph 8, reads as follows:

Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

28. It is in application of this Article that NATO Allied Forces—and the French services themselves—are subject to the duties and taxes in question. Allied Headquarters must similarly be subject to this system, since the Agreement of 19 June 1951 on the Status of Forces applies to them.

29. The “Protocol annexed to the Agreement” on the Status of Forces cannot contain provisions contrary to those of the Agreement itself.
C. Free Conversion of Currency.

Proposed amendment

30. SHAPE requests that Article 9 of the draft Protocol be replaced by the following text:

1. Without restriction by financial controls, regulations or moratoria of any kind,
   (a) SHAPE may hold currency of any kind and operate accounts in any currency;
   (b) SHAPE may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rate of exchange for a sale or purchase, as the case may be.

2. In exercising its rights under paragraph 1 above, SHAPE shall pay due regard to any representations made by any member State and shall give effect to such representations in so far as it is practicable to do so.

Comments of SHAPE

31. SHAPE points out that the Agreement on the Status of Armed Forces contains no provision governing the administration of international funds.

32. The situation of SHAPE is comparable in all points to the other bodies of the North Atlantic Treaty Organization. SHAPE considers that the text proposed by the French Government is not in accordance with the status of SHAPE, an international body acting on behalf of all the nations Parties to the North Atlantic Treaty and administering funds provided by these nations. For this reason, no restriction should hinder the conversion of such funds.

33. It remains to be pointed out that the text proposed by SHAPE, which is based on D-D(51) 178, contains a limiting clause designed to prevent any undesirable effect which might result from free convertibility.

34. Such effects would in fact be limited since, as the French Government points out, SHAPE will pay the greater part of its expenditures in the currency of the receiving State.

35. Admittedly, the French Government has granted conversion facilities within the framework of the European Payments Union; but these facilities are somewhat precarious since they depend upon the continued existence of the European Payments Union itself.

36. The SHAPE treasury should be sufficiently independent to be
able to deal with any situation, and free convertibility is therefore essential.

Comments of French Government

37. The remarks by SHAPE refer only to paragraph (b) of Article 9 of the draft Protocol in connection with which SHAPE requests complete liberty in the conversion of currency.

38. In practice, the French Government grants SHAPE the facilities in requests in this respect. In its specific Agreement with SHAPE, it undertakes to give SHAPE freedom of arbitration in respect of currency within the framework of the European Payments Union. However, for reasons of administrative convenience and in order to control the movement of currencies, it does not consider it advisable to extend unconditionally these facilities to other currencies.

39. Moreover, as a result of their being established on the territory of a given country, Allied Headquarters are bound to effect the greater part of their expenditures in the currencies of that country. By granting them free disposal of their holdings in currency, with the possibility of reconversion to the currency of origin limited to the amount of the budget contribution, the receiving State, generally speaking, enables Headquarters to meet any expenditures they are required to incur in this currency.

40. This question, which affects all member States, is submitted for consideration by the Deputies.

D. Operation of Military Post Offices in the Receiving State.

Proposed Amendment

41. SHAPE requests that Article 12 of the draft Protocol be replaced by the following:

The receiving State shall authorise the establishment of any Military Post Office which a nation party to the North Atlantic Treaty may wish to set up for the use and welfare of the staff of its own national Forces when these Forces are part of an Allied Headquarters.

Comments of SHAPE

42. SHAPE considers that the right to set up national Military Post Offices for the use of the military personnel of Allied Headquarters located in NATO countries should form the subject of a special Article in the Protocol, to apply to all nations which are parties to the North Atlantic Treaty.
43. The French Government, in one of the paragraphs of the Agreement, proposes that this right should be authorized in France in the form of an “allied” military postal service directly supervised by the Headquarters concerned. SHAPE does not share this view.

44. Not only are the Military Post Offices of each country governed by regulations which cannot apply on an international plane, but in addition an international agency would have no control over them. It follows then that the organization of Military Post Offices is purely a national concern and that the administration of them cannot form part of the military command.

Comments of French Government

45. This question which, it seemed originally, should form the subject of a paragraph of the Agreement between the French Government and SHAPE, comes in reality within the framework of the twelve NATO Powers. For this reason it is inserted in the Protocol.

46. The French Government and SHAPE are agreed as to the aim to be achieved; they disagree merely as to the methods of achieving that aim.

47. It is doubtful whether all member States will each be able to set up a national postal service in Allied Headquarters. If they did so, the solution proposed by the French Government in Article 12 would surely be preferable: that is, to operate in each Allied Headquarters an integrated postal service in which, under a unified system of control, preferably carried out by an official of the receiving State, the administrative regulations peculiar to each country would be observed. The initial studies carried out in France on this subject would appear to show that this solution is practicable.

MS–D(52) 3

Protocol on the Status of Allied Headquarters—Revised Draft (18 January 1952)\(^1\)

\textit{Draft Protocol on the Status of Allied Headquarters Set Up Pursuant to the North Atlantic Treaty}


\(^1\)Reference: D–D(51) 300(R) (3 January 1952). The present revision was prepared by the Chairman of the Working Group on the basis of the discussion reported in MS–R(52) 2 (17–18 January 1952). For a discussion of this revised draft, see MS–R(52) 3 (22 January 1952).
Considering that international military Headquarters may be established in their territories, by arrangement, under the North Atlantic Treaty, and

Desiring to define the status of such Headquarters and of their personnel within the North Atlantic area,

Have agreed to this Protocol to the Agreement signed between them in London on 19th June, 1951, regarding the Status of their Forces:

**Article 1**

In this Protocol the expression
(a) "the Agreement" means the Agreement signed in London on 19th June, 1951, between the Parties to the North Atlantic Treaty regarding the Status of their Forces;
(b) "Supreme Headquarters" means Supreme Headquarters Allied Powers in Europe or any equivalent military Headquarters set up pursuant to the North Atlantic Treaty and operating with funds provided under an international budget;
(c) "Allied Headquarters" means any Supreme Headquarters and any military Headquarters which is subordinate to a Supreme Headquarters and operates with funds provided under the international budget of that Supreme Headquarters [and is commanded by an officer of not less than the equivalent of general rank].

**Article 2**

Subject to the following provisions, the Agreement shall apply to Allied Headquarters in the territory of a Party to this Protocol in the North Atlantic area, and to the military and civilian personnel of such Headquarters included in the definitions of force and civilian component in Article 3 of this Protocol, when in such territory in connection with their official duties.

**Article 3**

For the purpose of applying the Agreement to an Allied Headquarters the expressions "force" and "civilian component," wherever they occur in the Agreement, shall have the meaning set out below:
(a) "force" means the personnel attached to the Allied Headquarters who belong to the land, sea or air armed services of any Party to the North Atlantic Treaty;
(b) "civilian component" means the civilian personnel attached to

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2 Square brackets in original text.
the Allied Headquarters who are either in the employ of the Headquarters or in the employ of an armed service of a Party to the North Atlantic Treaty and who are not stateless persons, nor nationals of any State which is not a Party to the Treaty, nor nationals of, nor ordinarily resident in, the State in which they are for the time being located.

**Article 4**

The rights and obligations which the Agreement gives to or imposes upon the sending State or its authorities in respect of its forces or their civilian components shall, in respect of an Allied Headquarters and its personnel, be vested in or attached to the appropriate Supreme Headquarters and the authorities responsible under it, except that:

(a) the right which is given by Article VII of the Agreement to the military authorities of the sending State to exercise criminal and disciplinary jurisdiction shall remain vested, in the case of members of a force, in the military authorities of the State to whose armed service they belong, or, in the case of members of a civilian component, in the military authorities of the State by whose armed service they are employed;

(b) the obligations imposed upon the sending State or its authorities by Article II, by paragraphs 5(a) and 6(a) of Article VII, by paragraphs 9 and 10 of Article VIII and by Article XIII shall attach both to the Allied Headquarters and to the State to which the force or civilian component concerned belongs;

(c) for the purposes of paragraphs 2(a) and 5 of Article III, paragraph 6 of Article VIII, and Article XIV, the sending State shall be the State to which the force or civilian component concerned belongs.

**Article 5**

Every member of an Allied Headquarters shall have a personal identity card issued by the Headquarters showing names, date and place of birth, nationality, rank or grade, registration number and period of validity. This card must be presented on demand.

**Article 6**

For the purposes of paragraph 10 of Article VII of the Agree-
ment, Allied Headquarters shall use their own military police.

**Article 7**

The exemption from taxation accorded under Article X of the Agreement to members of a force or civilian component in respect of their salaries and emoluments shall apply, as regards members of an Allied Headquarters to whom this Protocol applies, to salaries and emoluments paid to them as such members by the Allied Headquarters or by the State to whose force or civilian component they belong.

**Article 8**

So far as is necessary for the fulfilment of its functions, each Supreme Headquarters shall possess juridical personality and have the capacity to conclude contracts and to acquire and dispose of property. The receiving State may, however, make the exercise of such capacity subject to special arrangements between it and the Supreme Headquarters.

**Article 9**

1. Subject to the provisions of Article VIII of the Agreement, a Supreme Headquarters may engage in legal proceedings as claimant or defendant. However, the Supreme Headquarters and the receiving State may agree that the latter shall act on behalf of the Headquarters in any legal proceedings to which the Headquarters is a party before the courts of the receiving State.

2. No measure of execution or measure directed to the seizure or attachment of its property or funds shall be taken against any Allied Headquarters.

**Article 10**

1. To enable it to operate its international budget, a Supreme Headquarters may hold currency of any kind and operate accounts in any currency.

2. The Parties to this Protocol shall facilitate transfers of the funds of a Supreme Headquarters from one country to another and the conversion of any currency held by a Supreme Headquarters into any other currency.

**Article 11**

The archives and official documents of an Allied Headquarters kept in premises used by those Headquarters or in the possession of any properly authorised member of the Headquarters shall be inviolable,
unless the Headquarters has waived this immunity. The Headquarters shall, however, at the request of the receiving State, verify the nature of any documents to confirm that they are entitled to inviolability under this Article.

**Article 12**

All differences relating to the interpretation or application of this Protocol shall be settled by negotiation between the parties in dispute without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Protocol or in the Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council or any of the subsidiary bodies authorised to act in this behalf.

**Article 13**

1. Articles XV and XVII to XX of the Agreement shall apply as regards this Protocol as if they were an integral part thereof, but so that the Protocol may be reviewed, suspended, ratified, acceded to, denounced or extended in accordance with those provisions independently from the Agreement.

2. The present Protocol may be supplemented by bilateral agreement between the receiving State and a Supreme Headquarters, and the authorities of a receiving State and a Supreme Headquarters may agree to give effect, by administrative means in advance of ratification, to any provisions of this Protocol or of the Agreement as applied to it.

In witness whereof the undersigned plenipotentiaries have signed the present Protocol.

Done in London this ______ day of ______________, 1952, in the English and French language, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

D–D(52) 24

The Working Group met from 16 through 23 January 1952 and took the following action in response to the request of the Council Deputies:

2. Prepared a draft resolution, for adoption by the Council Deputies, setting out certain administrative understandings as to the procedure to be followed in implementing Article VIII of the Military Status Agreement. This has been distributed as D–D(52) 26. It is recommended that this draft resolution be adopted by the Council Deputies as soon as possible, since at least three countries have indicated a willingness to implement Article VIII, on a reciprocal basis, in advance of ratification of the Agreement, and the adoption of this resolution will facilitate action by these countries. The Working Group did not consider it feasible at this time to recommend the adoption of a standard form for reporting on traffic accidents, but suggests that consideration be given to preparation of such a form at a later date.

3. Agreed upon a text of a draft Protocol, which extends the Agreement to cover Allied Headquarters, distributed as D–D(52) 27. The Working Group wishes to call to the attention of the Council Deputies the following points which were raised in the discussion relating to this Protocol:

(a) The Representative of the French Government urged that a provision be included which would make it possible for Supreme Headquarters to establish an integrated military post office or postal service as an alternative to the national military post offices proposed by SHAPE. The Working Group recognized that either solution raised certain difficulties which made it inadvisable to attempt to cover this subject in the present Protocol, and the Working Group therefore recommends that it be left to bilateral arrangements, subject to later consideration on an international basis if that appears necessary.

(b) It was proposed that the Supreme Commander and the Commanders-in-Chief directly subordinate to him be granted diplomatic privileges. This presented difficulties for certain Governments, and the Working Group agreed to leave this question to national arrangements.

1 The substance of this Report was previously issued, on 21 January 1952, as MS–D(52) 4, which has therefore been omitted.
3. The revised text of the Protocol has been distributed to Governments and to SHAPE for comment, and the Working Group requests that such comments be submitted to the Secretariat by 15 February, so that they can be distributed to delegations for consideration and review at a further meeting of the Working Group to be called on 29 February 1952. The Working Group will then prepare a revision of the Protocol and submit it to the Council Deputies for approval and signature.

4. In connection with the draft Protocol, the Working Group reviewed the related Agreement between the Government of France and SHAPE, previously distributed as D–D(51) 301 (Revise), and explained in the report of the French Delegation distributed as D–D(52) 2. The Working Group commented in detail on this draft and suggested that the French Government and SHAPE should revise the document in the light of these comments and send the revised text to the Council Deputies for information. There are three provisions of this Agreement which the Working Group wishes to call to the attention of the Deputies:

(a) Article 5 provides that the requirements of SHAPE in regard to construction work, leasing of premises and provision of services connected with the use of any building, shall be met by the appropriate French Departments in accordance with French regulations. It was noted that this provision may be affected in the future by any conclusions reached by the Council Deputies on the subject of multi-national bidding for construction financed from international budgets.

(b) Article 15, which relates to the conversion of currency, is not satisfactory from the point of view of SHAPE. This provision will be considered further in the discussions between the French Government and SHAPE, and, if an agreement satisfactory to both is not reached, the question will be submitted to the Council Deputies for consideration.

(c) Article 16, which states certain exceptions to the tax exemption granted to SHAPE, does not go as far in granting tax exemption as does Article 9 of the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, signed on 20 September 1951. This raises questions for the Governments contributing to the SHAPE international budget which may require further consideration.
Status of Forces Agreement—Claims Procedure in Implementation of Article VIII (23 January 1952)

Draft Resolution

The North Atlantic Council Deputies,

Considering that the implementation of Article VIII of the Agreement signed in London on 19 June 1951, regarding the Status of Forces of Parties to the North Atlantic Treaty, will be greatly facilitated by the adoption by the Contracting Parties of mutually acceptable administrative arrangements on certain matters of common concern not provided for in the Agreement itself.

Approve for that purpose the administrative arrangements set out in the Annex to this Resolution to be applied by each of the Contracting Parties when Article VIII is brought into effect in respect of it.

Annex

Claims Procedure under Article VIII of the Agreement signed in London on 19 June 1951 between the Parties to the North Atlantic Treaty regarding the Status of their Forces

1. Each Contracting Party shall inform the other Contracting Parties of the addresses of

(a) the Office or Offices within its own territory nominated by it to deal with claims with which it is concerned in the capacity of receiving State (hereinafter referred to as “the Office of the Receiving State”); and

(b) the Office or Offices nominated by it for dealing with claims with which it is concerned in the capacity of sending State (hereinafter referred to as “the Office of the Sending State”).

2. (a) Each Contracting Party shall make arrangements to secure that any damage or claim in which it is concerned and to which paragraph 1, 2 or 4 of Article VIII applies is re-

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1 Reference: D-D(51) 269 (29 October 1951); MS-D(52) 1 (18 January 1952). The latter document is a revision prepared by the Chairman of the Working Group on the basis of discussions reported in MS-R(52) 1 (16 January 1952); it is identical with the present text, except for the minor variations noted below for par. 3(e), 3(f) and 5(vii); it has therefore been omitted. For discussion of the present text, see D-R(52) 9(F) (30 January 1952); D-R(52) 12 (6 February 1952).
ported at the earliest possible moment to an Office nominated by it under paragraph 1 of this Resolution.

(b) As soon as possible after an Office has received a report in accordance with sub-paragraph (a) of this paragraph, it shall notify the appropriate Office of each other State concerned, and submit thereto its proposals as to how the matter should be dealt with.

(c) The Office receiving a notification in accordance with sub-paragraph (b) shall, within six weeks, inform the Office which has made the notification if it does not agree with the procedure proposed for dealing with the matter, and if it fails to do so the procedure shall be regarded as accepted.

(d) If the claim is submitted to arbitration in accordance with paragraph 2 of Article VIII, the Office of the Receiving State shall be responsible for arranging the appointment of the arbitrator agreed between the Contracting Parties concerned.

(e) The fees and expenses of the arbitrator appointed to decide a claim under paragraph 2 of Article VIII shall be paid in the first instance by the receiving State, which shall claim reimbursement by the other Contracting Parties of the amount of their shares through the half-yearly accounts rendered in accordance with paragraph 5(e)(iv) of Article VIII.

(f) Any reimbursement due in respect of amounts of compensation determined under paragraph 2 of Article VIII shall also be claimed through the half-yearly accounts referred to in (e) above.

3. (a) Any act, omission or occurrence which may give rise to a claim falling within the terms of paragraph 5 of Article VIII shall be reported by the Service unit or formation concerned to the Office of the Sending State as soon as possible in accordance with instructions which shall be issued by the sending State to its forces and civilian components. If the receiving State so requests, the sending State shall consider whether practicable arrangements can be made whereby reports will also be sent directly by the Service unit or formation concerned to the authorities of the receiving State.

(b) When a claim for which a sending State may be liable under paragraph 5 of Article VIII is received by any of its authorities otherwise than from the Office of the Receiving State, the Office of the Sending State shall immediately notify the Office of the Receiving State.
(c) When a claim for which liability of a sending State may exist under paragraph 5 of Article VIII is received by the receiving State otherwise than from the Office of the Sending State, the Office of the Receiving State shall immediately notify the Office of the Sending State.

(d) Immediately on being notified of a claim or possible claim in accordance with (a), (b) or (e) of this paragraph, the Office of the Sending State shall collect and record all relevant evidence obtainable from its own sources and shall send this evidence without delay to the Office of the Receiving State.

(e) The Office of the Receiving State shall make available to the Sending State all information in its possession which the Sending State may request for the purpose of taking disciplinary action against any member of its force or civilian component or for the purpose of taking such other action as it may consider necessary.

(f) The Office of the Sending State shall, at the request of the Office of the Receiving State in any particular case, inform the latter of any disciplinary action against a member of a force or civilian component for any act or omission of such member which has given rise to a claim within paragraph 5 of Article VIII; provided that the sending State need not give any information under this sub-paragraph until the claim has been adjudicated or settled by the receiving State. Any information given in pursuance of this sub-paragraph shall, if the Sending State so requests, be treated as confidential by the receiving State. Nothing in this sub-paragraph shall affect paragraph 6(b) of Article VII of the Agreement.

4. The procedure prescribed in paragraph 3 above shall also be followed in the case of claims to which paragraph 6 of Article VIII applies.

5. The half-yearly statement which the receiving State is required to furnish under paragraph 5(e)(iv) of Article VIII shall be sent to the Office of the Sending State and shall include:—

   (i) the reference number given to each case by the Office of the Sending State for the purpose of identification;

   (ii) the reference number given to each case by the Office of the Receiving State;

   (iii) the date of the incident, particulars of the Service unit

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2 The word "other" does not appear in MS-D(52) 1 (18 January 1952).
3 In MS-D(52) 1 (18 January 1952), the text of par. 3(f) ends at this point.
or formation involved, and, if appropriate, the official number of the vehicle or aircraft concerned;

(iv) the total amount of the award paid;
(v) the date on which payment was made;
(vi) the name of the person to whom the award was made;
(vii) any amounts recovered from a third party by the receiving State in respect of an accident involving personnel or property of a sending State, the date on which recovery was effected and the name of the third party making the payment.

6. Each of the Contracting Parties which has mutual forbearance or loss settlement agreements with insurers or other authorities for the purpose of regulating claims arising out of vehicle accidents may arrange with any other Contracting Party to extend such agreements in order that they shall apply to claims in respect of damage or injury arising out of the use of vehicles belonging to sending States and for the settlement of which as receiving State it is responsible.

D–D(52) 27

Protocol on the Status of Allied Headquarters—Revised Draft (24 January 1952)¹

Draft Protocol on the Status of Allied Headquarters set up pursuant to the North Atlantic Treaty

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that international military Headquarters may be established in their territories, by separate arrangement, under the North Atlantic Treaty, and

Desiring to define the status of such Headquarters and of their personnel within the North Atlantic area,

Have agreed to this Protocol to the Agreement signed between them in London on 19th June, 1951, regarding the Status of their Forces:

Article 1

In this Protocol the expression—

(a) "the Agreement" means the Agreement signed in London on

⁴ D–D(52) 26, supra, substitutes the words "third party" for the word "person" in par. 5(vii) of MS–D(52) 1 (18 January 1952).
¹ Reference: MS–D(52) 3 (18 January 1952) for previous text; MS–R(52) 5 (24–26 March 1952) for discussion of present text.
19th June, 1951, between the Parties to the North Atlantic Treaty regarding the Status of their Forces;

(b) "Supreme Headquarters" means Supreme Headquarters Allied Powers in Europe or any equivalent military Headquarters set up pursuant to the North Atlantic Treaty and operating with funds provided under an international budget;

(c) "Allied Headquarters" means any Supreme Headquarters and any military Headquarters which is subordinate to a Supreme Headquarters and which operates with funds provided under the international budget of that Supreme Headquarters;

(d) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

Article 2

Subject to the following provisions, the Agreement shall apply to Allied Headquarters in the territory of a Party to this Protocol in the North Atlantic area, and to the military and civilian personnel of such Headquarters included in the definitions in sub-paragraphs (a), (b) and (c) of Article 3 of this Protocol, when in such territory in connection with their official duties.

Article 3

For the purpose of applying the Agreement to an Allied Headquarters the expressions "force," "civilian component," and "dependent," wherever they occur in the Agreement, shall have the meanings set out below:

(a) "force" means the personnel attached to the Allied Headquarters who belong to the land, sea or air armed services of any Party to the North Atlantic Treaty;

(b) "civilian component" means (i) the civilian personnel attached to the Allied Headquarters who are in the employ of an armed service of a Party to the North Atlantic Treaty and who are not stateless persons, nor nationals of any State which is not a Party to the Treaty, nor nationals of, nor ordinarily resident in, the State in which the Headquarters is located, and (ii) such other categories of civilian personnel in the employ of the Allied Headquarters as the North Atlantic Council shall decide;

(c) "dependent" means the spouse of a member of a force or civilian component, as defined in sub-paragraphs (a) and (b) of this Article, or a child of such member depending on him or her for support.
Article 4

The rights and obligations which the Agreement gives to or imposes upon the sending State or its authorities in respect of its forces or their civilian components shall, in respect of an Allied Headquarters and its personnel, be vested in or attached to the appropriate Supreme Headquarters and the authorities responsible under it, except that

(a) the right which is given by Article VII of the Agreement to the military authorities of the sending State to exercise criminal and disciplinary jurisdiction shall not be exercised by an Allied Headquarters but shall remain vested, in the case of members of a force, in the military authorities of the State to whose armed service they belong, or, in the case of members of a civilian component, in the military authorities of the State, if any, by whose armed service they are employed;

(b) the obligations imposed upon the sending State or its authorities by Article II, by paragraphs 5(a) and 6(a) of Article VII, by paragraphs 9 and 10 of Article VIII, and by Article XIII, of the Agreement, shall attach both to the Allied Headquarters and to the State to which the force or civilian component concerned belongs;

(c) for the purposes of paragraphs 2(a) and 5 of Article III, and Article XIV, of the Agreement, the sending State shall be the State to which the force or civilian component belongs;

(d) for the purposes of paragraph 6 of Article VIII, the sending State shall be the State to whose armed service the person belongs whose act or omission has given rise to the claim or, in the case of a member of a civilian component, the State by whose armed service he is employed or, if there is no such State, the Allied Headquarters of which he is a member.

Article 5

Every member of an Allied Headquarters shall have a personal identity card issued by the Headquarters showing names, date and place of birth, nationality, rank or grade, registration number, photograph and period of validity. This card must be presented on demand.

Article 6

For the purposes of paragraph 10 of Article VII of the Agreement, Allied Headquarters shall use their own military police.
Article 7

The exemption from taxation accorded under Article X of the Agreement to members of a force or civilian component in respect of their salaries and emoluments shall apply, as regards members of an Allied Headquarters to whom this Protocol applies and subject to paragraph 4 of Article X of the Agreement, to salaries and emoluments paid to them as such members by the Allied Headquarters or by the State to whose force or civilian component they belong.

Article 8

Each Supreme Headquarters shall possess juridical personality; it shall have the capacity to conclude contracts and to acquire and dispose of property. The receiving State may, however, make the exercise of such capacity subject to special arrangements between it and the Supreme Headquarters or any subordinate Allied Headquarters acting on behalf of the Supreme Headquarters.

Article 9

1. Subject to the provisions of Article VIII of the Agreement, a Supreme Headquarters may engage in legal proceedings as claimant or defendant. However, the receiving State and the Supreme Headquarters or any subordinate Allied Headquarters authorised by it may agree that the receiving State shall act on behalf of the Supreme Headquarters in any legal proceedings to which that Headquarters is a party before the courts of the receiving State.

2. No measure of execution or measure directed to the seizure or attachment of its property or funds shall be taken against any Allied Headquarters.

Article 10

1. To enable it to operate its international budget, a Supreme Headquarters may hold currency of any kind and operate accounts in any currency.

2. The Parties to this Protocol shall facilitate transfers of the funds of a Supreme Headquarters from one country to another and the conversion of any currency held by a Supreme Headquarters into any other currency.

Article 11

The archives and other official documents of an Allied Headquarters kept in premises used by those Headquarters or in the possession of any properly authorised member of the Headquarters shall be inviolable, unless the Headquarters has waived this immunity. The
Headquarters shall, however, at the request of the receiving State, verify the nature of any documents to confirm that they are entitled to inviolability under this Article.

**Article 12**

The whole or any part of the present Protocol or of the Agreement may be applied, by decision of the North Atlantic Council, to any military body (other than an Allied Headquarters) which is established pursuant to the North Atlantic Treaty and operated with funds provided under an international budget.

**Article 13**

All differences relating to the interpretation or application of this Protocol shall be settled by negotiation between the parties in dispute without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Protocol or in the Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

**Article 14**

1. Articles XV and XVII to XX of the Agreement shall apply as regards this Protocol as if they were an integral part thereof, but so that the Protocol may be reviewed, suspended, ratified, acceded to, denounced or extended in accordance with those provisions independently from the Agreement.

2. The present Protocol may be supplemented by bilateral agreement between the receiving State and a Supreme Headquarters, and the authorities of a receiving State and a Supreme Headquarters may agree to give effect, by administrative means in advance of ratification, to any provisions of this Protocol or of the Agreement as applied by it.

In witness whereof the undersigned plenipotentiaries have signed the present Protocol.

Done in London this _______ day of ________, 1952, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.
Status of Forces Agreement—Memorandum by the United States on Interpretations relating to Implementation (16 February 1952)

Memorandum by the United States Delegation

In indicating in the Council Deputies’ report to the Council its willingness and ability to implement certain provisions of the Military Status Agreement, the United States wishes to make it clear that action is based on provision of existing regulations and administrative arrangements which it has been possible to make, but that additional legislation will not be put into effect prior to ratification of the treaty. In implementing the treaty, the United States wishes to make its position with regard to certain provisions clear, as follows:

A. The United States interprets certain provisions as set forth below and seeks the concurrence of other Deputies in these views:

(1) The United States does not consider that the Agreement (particularly Article XI, paragraph 4) affects in any way, directly or indirectly, present or future operations of service PX’s, commissaries or similar establishments. The United States wishes to continue the existing arrangements with most countries and to reserve the right to deal directly with individual NATO member States on this subject. We do not consider that the absence of specific reference to post exchanges constitutes a renunciation of present understandings or the right to negotiate in the future on this subject.

(2) Article IX, paragraph 2. It is the United States interpretation that this provision neither precludes continuance of long-standing practices or existing arrangements nor the possibility of future bilateral negotiations on the subject.

(3) Article IX, paragraph 3. The United States interpretation of this provision is that it means that the minimum obligation of the receiving State is to provide for the sending State accommodation and billeting similar to that provided for its own forces, that bilateral arrangements are necessary only where the receiving State is to furnish accommodation at its expense, and that the sending State without further agreement with the receiving State may furnish, equip and add to facilities for its forces at its discretion.

1 This document is merely a rearrangement of the items covered in D–D(52) 48 (8 February 1952), which has therefore been omitted.
(4) Article IX, paragraph 8. The United States considers that this provision has no affirmative effect on tax status and does not alter existing arrangements or the right to negotiate future arrangements concerning taxes.

B. The United States wishes to clarify its position as indicated in the report to the Council, as follows:

(1) Article I, paragraph 2. The Federal Government cannot bind the States in this subject but anticipate that their cooperation will result practically in full implementation.

(2) Article VI. For practical purposes the Article is now effective, but legislation will be necessary to assure absolutely that this is true in all cases for the United States as a receiving State.

(3) Article IX, paragraph 6. We call attention to the special problem created by the private ownership of transport systems in the United States.

(4) Article X, paragraph 1. On a reciprocal basis we are willing to implement it at once so far as Federal taxes are concerned, but cannot bind the States on this subject prior to ratification of the treaty, although as a practical matter we expect their cooperation in putting it into effect.

(5) Article XVI. Although we have indicated our willingness to implement this provision and will try to do so, there may be some delay in taking the necessary internal administrative steps, particularly with regard to paragraph 11.

(6) Article XVI. The United States anticipates that, as a practical matter, this procedure will be followed before the Agreement comes into force.

(7) Article IV. This will be implemented to the extent that it is consistent with the Geneva Convention on Road Traffic when that Convention becomes effective on the basis of reciprocity with other parties to that Convention.

MS-D(52) 5

Protocol on the Status of Allied Headquarters—Comments by Governments and by SHAPE (14 March 1952)¹

I. Comments by the Canadian Government.

Article 4

1. Paragraph (d). How does this Article accord with the appointment of an arbitrator under paragraph 8 of Article VIII of the Agreement?

¹Reference: D-D(52) 27 (23 January 1952) for the text under discussion;
Article 8

2. It is not clear to the Canadian authorities why Supreme Headquarters would actually require juridical personality to acquire property, nor why they should have to engage in legal proceedings as claimant or defendant.

Article 9

3. Paragraph 1. [This repeats the comment made in par. 2 immediately preceding.]

4. Paragraph 2. It can be understood that a sending State would have sovereign immunities but not, normally, a Supreme Headquarters. How is this to be reconciled?

II. Comments by the French Government.

Preamble

5. In paragraph 4 of the Preamble, amend the text to read: “Have agreed to the present Protocol.”

Article 1

6. Amend the first line to read: “In the present Protocol the expression.”

7. Paragraph (b). We propose that it should be specified that a Supreme Headquarters is not a recipient of funds provided under an international budget but has its own budget. This is the basis for the juridical personality conferred on Supreme Headquarters by Article 8. Accordingly, it is suggested that the words “of its own” should be added at the end of paragraph (b).

Article 2

8. Amend to read: “in sub-paragraphs (a) and (b) of Article 3.”

Article 3

9. Inclusion or exclusion of nationals of the receiving State. The text originally proposed by the French Government in agreement with SHAPE² provided under Article 1 that, with regard to the personal status of individuals, the Protocol did not extend to nationals of the receiving State, whether civilian or military personnel. The French Government, which has no reason to depart from this

²MS–R(52) 5 (24–26 March 1952) for discussion of the comments here made. The items in the above document, MS–D(52) 5, have been rearranged by the editor and paragraph numbers have been added.
view, would, however, have no objection to the Protocol being applied, as in D-D(52) 27, to the *members of the force* of the receiving State; but it notes that the same text distinguishes between the categories of civilian components as follows:

(a) under (i), nationals of the receiving State are excluded;

(b) under (ii), the absence of any restriction means that it is possible to include them if they are not covered by the definition in (i); even if the present wording of Article 3 were retained, this would lead to the inclusion of new clauses providing for the application of Articles X and XI of the Agreement (fiscal and customs provisions).

A priori, it does not appear advisable to lay down different regulations for military and civilian personnel or, with respect to civilian components, to distinguish between categories (i) and (ii) when deciding whether or not nationals of the receiving State are covered by the term "civilian component."

The inclusion of nationals or residents of the receiving State would be acceptable, provided that they enjoy no privileged position as compared with their compatriots who are not members of SHAPE, or with members of SHAPE who are nationals of other NATO countries.

The consequences of this will be indicated below in connection with Article 7.

10. Stateless persons and nationals of non-NATO countries. The Agreement applies only to nationals of States which are party to the North Atlantic Treaty. It is essential that the same restrictions on nationality that appear in Article I, par. 1(b) of the Agreement should be retained specifically in Article 3, par. (c)(ii), of the Protocol.

11. The arguments set out above lead to the conclusion that it seems possible to combine (i) and (ii) in the form proposed in the following draft. Accordingly, it is suggested that paragraph (b) should be amended to read as follows:

"civilian component" means the civilian personnel on the establishment of the Allied Headquarters who come within the categories agreed by the North Atlantic Council and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty.

**Article 4**

12. In the opening sentence, amend to read "of the Allied Headquarters and their personnel," instead of the words "of an Allied Headquarters and its personnel."
13. Add the following sentence as a new paragraph at the end of paragraph (a):

In the case of members of a civilian component who are not members of the force of a Party to the Agreement, the authorities of the receiving State shall exercise exclusive jurisdiction with regard to offences committed on the territory of the receiving State which are covered by the legislation of that State.

**Article 7**

14. With respect to taxation on salaries and emoluments, assuming that nationals or residents of the receiving State are not to be excluded from the definition of the civilian component, it is necessary to extend to them the provisions of paragraph 4 of Article X of the Agreement.

15. As a consequence of extending to the nationals of the receiving State the status of a member of the force or of a civilian component of an Allied Headquarters, it is necessary to include provisions limiting the application to them of the exemptions defined in Articles X and XI of the Agreement.

16. It is suggested that the present Article 7 be numbered as (a)(i), and that the following provisions should be added to the Article as (a)(ii) and (b) (tentative draft):

(a) (i) [Present Article 7].

(ii) For the purpose of applying Article X of the Agreement and paragraph (i) above, to Allied Headquarters, the words “member of a force” in paragraph (b) of Article X of the Agreement shall be replaced by “member of a force or of a civilian component.”

(b) The provisions in paragraphs 5 and 6 of Article XI of the Agreement shall not apply to nationals of the receiving State.

**Article 8**

17. We consider it necessary to return to the wording “so far as necessary for the fulfilment of its task”; the limitations imposed later in the Article refer only to the exercise of the capacity and not to its extent. Accordingly, it is suggested to amend Article 8 to read as follows:

Each Supreme Headquarters shall have the capacity to conclude contracts and to acquire and dispose of property, so far as necessary for the fulfilment of its task. The receiving State may, however, make the exercise of such capacity subject to special arrangements between it and the Supreme Headquarters.
Article 11

18. In accordance with customary practice in the case of diplomatic representatives, it is essential that the documents should be verified in the presence of the representative of the receiving State. Accordingly, it is suggested that the last sentence be amended to read as follows:

Furthermore, the Headquarters shall, at the request of the receiving State, and in the presence of a representative of that State, verify the nature of any documents to confirm that they are entitled to inviolability under this Article.

Article 13

19. It is suggested that the words “between the Contracting Parties” should be inserted in the first line, after the words “All differences.”

III. Comments of the Italian Government.

Article 10

20. In order to make clear the purpose of Article 10, add the following as paragraph 3:

3. Such undertaking to facilitate the transfer or conversion of Supreme Headquarters’ funds does not imply any strict obligation for the Governments to perform such transfer or conversion, but only to facilitate these operations.

IV. Comments of the Netherlands Government.

Article 1

21. The definition in Article 1 of “Supreme Headquarters” and of “Allied Headquarters” is not satisfactory. The words “of that Supreme Headquarters” at the end of the sentence under (c) give the impression that each of the subordinate Headquarters operates with funds provided under a budget of the Supreme Headquarters to which it is subordinate. In practice, however, this is not the case, since each subordinate Headquarters has a budget of its own, the amount of which is not reflected by its Supreme Headquarter’s budget.

Article 2

22. The words “and their dependents” should be inserted after the words “personnel of such Headquarters.”
Article 3

23. At the end of paragraph (b), the following words should be added:

These categories shall not include stateless persons, nor nationals of any State which is not a Party to the Treaty, nor nationals of nor persons who are ordinarily resident in the State in which the Headquarters is located.

Article 4

24. Paragraph (b). Under this paragraph should be inserted paragraph 4 of Article III of the Agreement.

25. Paragraph (d). Under this paragraph should be inserted paragraph 7 of Article VIII of the Agreement.

Article 9

26. The scope of paragraph 2, as it stands now, seems too wide. This paragraph should not affect the right of the receiving State to the seizure of property or funds, connected with an offense, as recognized by paragraph 6(a) of Article VII and paragraph 4 of Article XIII of the Agreement.

Article 10

27. The text of Article 10 is acceptable to the Netherlands Government only if it is generally accepted that the words “shall facilitate” give some latitude to Governments and cannot be interpreted as if they meant “shall under all circumstances effectuate.”

V. Comments by the United Kingdom Government.

Article 2

28. It is suggested that the drafting of this Article would be improved by the following amendments:

(a) Delete the words “Subject to the following provisions,” and insert after “apply” the words “as hereinafter provided.”

(b) After the words “personnel of such Headquarters” insert “and their dependents.” Add the following words at the end of the Article: “or, in the case of dependents, the official duties of their spouse or parent.”

Article 3

29. It is proposed that paragraph (b) should be redrafted to make the restrictions as to nationality and residence apply to the persons in category (ii) as well as to those in category (i), and also to limit
the application of category (ii) to persons “attached to the Allied Headquarters,” as in the case of category (i). The words “the State in which the Headquarters is located” should be replaced by the words “the receiving State.”

Article 4

30. In the first sentence after the word “personnel,” insert the words “and their dependents to whom the Agreement applies in accordance with Article 2 of this Protocol.”

31. In paragraph (a), Amend the words following after “an Allied Headquarters” to read as follows:

... but shall remain vested, in the case of members of a force and their dependents, in the military authorities of the State to whose armed service the member belongs, or, in the case of members of a civilian component and their dependents, in the military authorities of the State, if any, by whose armed service the member is employed.

32. In paragraph (b), Delete the words “the State to which the force or civilian component concerned belongs,” and substitute the following: “any State whose armed service, or any member or employee of whose armed service, or the dependent of such member or employee, is concerned.”

33. In paragraph (c), Delete the words “the State to which the force or civilian component concerned belongs,” and substitute the following:

... . . . in the case of members of a force and their dependents, the State to whose armed service the member belongs, or, in the case of members of a civilian component and their dependents, the State, if any, by whose armed service the member is employed.

Article 7

34. For consistency of drafting with the remainder of the Agreement, the following amendments are suggested:

(a) In both places in which the words “members of an Allied Headquarters” appear, substitute therefor the words: “personnel of an Allied Headquarters.”

(b) Delete the words “to whom this Protocol applies,” and substitute the words: “to whom the Agreement applies in accordance with Article 2 of this Protocol.”

Article 12

35. The expression “military organisation” is preferable to “military body.”
VI. Comments of the United States Government.

Preamble

36. Amend paragraph 3 of the Preamble to read: “Desiring to define the status of such Headquarters and the personnel thereof within . . .”

Article 1

37. In paragraph (c), the phrase “the international budget of that Supreme Headquarters” should be changed to read: “an international budget.”

Article 3

38. In paragraph (b), amend the text to read:
“civilian component” means civilian personnel who are not stateless persons, nor nationals of any State which is not a Party to the Treaty, nor nationals of, nor ordinarily resident in, the State in which the Headquarters concerned is located, and who are (i) attached to the Allied Headquarters and in the employ of an armed service of a Party to the North Atlantic Treaty, and (ii) in such other categories of civilian personnel in the employ of the Allied Headquarters as the North Atlantic Council shall decide.

Article 4

39. Amend paragraph (d) to read: “the obligations imposed by paragraph 6 of Article VIII of the Agreement shall attach to the sending State which shall for this purpose be the State to whose armed services . . .”

Article 5

40. Add at the end of this Article the words “of appropriate authorities.”

Article 6

41. Amend “Allied Headquarters shall use” to read: “Allied Headquarters may use.” We also suggest that it might be appropriate to add something to the effect that the receiving State shall take all necessary measures to protect property and personnel of Allied Headquarters.

Article 7

42. Delete the words “and subject to paragraph 4 of Article X of the Agreement,” and add, at the end of the paragraph, the words: “except that this Article shall not exempt any member of a force or
civilian component from taxation imposed by a State of which such member is a national.”

**Article 10**

43. In paragraphs 1-2, the words “Supreme Headquarters” should be changed to “Allied Headquarters” throughout, since subordinate international Headquarters have their own budgets.

44. In paragraph 2, change “the Parties” to “Each Party,” and change “conversion of any currency” to read “conversion of its currency.” At the end of this paragraph, add the words: “when necessary to meet the requirements of an Allied Headquarters.”

**Article 11**

45. At the end of the first sentence, change the word “immunity” to “inviolability.”

**Other Comments**

46. The United States continues strongly to desire that the Protocol include, as one of its provisions, the principle set forth in D–D(51) 217(R), as adopted by the Council Deputies.

47. The United States suggests that the Working Group consider further the substance of deleted Article 11 of D–D(51) 300(R), concerning privileges and immunities to be granted certain senior international military officers. Although we found the Article as drafted unsatisfactory, we feel that the Protocol should define certain limited privileges and immunities necessary to the performance of such officers’ duties, as has been done for similar international officials in the Agreement on the Status of NATO.

The United States considers it necessary that limited privileges and immunities be granted to the Supreme Commander’s Deputies, his Chief of Staff, Commander-in-Chief, and a small number of staff officers. Along the lines of Articles 12 and 17 of the Agreement on the Status of NATO, we suggest that these individuals be designated by agreement between the North Atlantic Council, the Supreme Headquarters concerned, and the host State. The privileges granted should not exceed those listed in Article 18 of the Agreement on the Status of NATO. The United States would accept that listing as an appropriate text for this Protocol.

48. In the matter of military post offices, the United States does not consider it practical for Allied Headquarters to establish their own postal services. We therefore suggest that the Protocol might incorporate the following:

The receiving State shall authorise and assist the establishment of military postal services which a Party to this Protocol may wish
to organise for the use and welfare of the staff of an Allied Headquarters or of a force or civilian component. Assistance provided shall be reimbursed in accordance with accepted international postal precedents and agreements.

NEW ARTICLE

49. The United States suggest that an Article along the following lines be inserted in the Protocol:

It is agreed in principle that, for the purpose of facilitating the establishment, construction, maintenance and operation of Allied Headquarters, these Headquarters should be relieved from taxes and that, in accordance with this principle, the Parties to this Protocol shall exercise their best efforts to provide such tax relief. It is further agreed

(a) that the assets and the property of an Allied Headquarters shall be exempted from all customs duties and quantitative restrictions on imports and exports of articles imported or exported by an Allied Headquarters for its official use; articles imported under such exemption shall not be disposed of, by way of either sale or gift, in the country into which they are imported, except under conditions approved by the Government of that country;

(b) that expenditures of an Allied Headquarters shall be relieved from taxes of a host country on a basis no less favourable than that provided for by such host country in the case of any similar expenditures made under similar circumstances in connexion with common defence efforts by any other Party to the North Atlantic Treaty or by the NATO.

VII. Comments by SHAPE.

ARTICLE 3

50. The following definition is thought preferable to the definition presently given in the draft Article 3(b):

“civilian component” means (i) the civilian personnel attached to the Allied Headquarters who are in the employ of an armed service of a Party to the North Atlantic Treaty, and who are not stateless persons, nor nationals of any State which is not a Party to the Treaty, nor nationals of, nor ordinarily resident in, the State in which the Headquarters is located; and, (ii) the civilian
graded staff listed as such in the establishment of an Allied Headquarters, including nationals of and those normally resident in the receiving State; and, (iii) such other categories of civilian personnel in the employ of an Allied Headquarters as the North Atlantic Council may decide.

The category of civilian personnel whom it is desired to cover in the Protocol is the graded staff who may be of any NATO nationality, including that of the receiving State. By graded staff is meant the civilian permanent staff whose pay is based on an international scale of pay approved by the North Atlantic Council.

A list of categories at present allowed to SHAPE is available; this list has received the approval of the Military Budget Committee. Subordinate Headquarters have similar graded staff lists which have to receive the approval of both SHAPE and the Military Budget Committee.

**Article 10**

51. Paragraph 2. SHAPE wishes to re-assert its firm opinion, already expressed in the Working Group, that no provision other than that laid down in Article 8 of the Ottawa Agreement should be made applicable to the NATO funds in its care. These funds are not its property but belong to the North Atlantic Treaty Organization, exactly as do the funds provided for other subsidiary bodies such as the FEB, DPB and for the infrastructure program. In this respect, SHAPE is no more than a manager on behalf of the Organization. It cannot, therefore, be contemplated that restrictions such as moratoria, measures to prevent the flight of capital, or any other similar measures, should be permitted to paralyze or even to hinder the movement of funds necessary for the operation of military Headquarters under any circumstances.

The size of the funds at the disposal of SHAPE does not affect the above considerations; and, furthermore, it has already been pointed out that transfers and conversions involve only relatively small amounts which certainly would not be sufficient to have a noticeable effect on the economy of the host country.

If it appeared that such transfers or conversions could, because of economic or financial difficulties, have a damaging effect on the host country's economy, paragraph 2 of Article 8 of the Ottawa Agreement contains the necessary safeguard. Furthermore, SHAPE under such circumstances would consider it a duty to operate in liaison with the host country and would undertake as far as practicable to give effect to any representation that would be made at the time.

In any case, SHAPE would consider as unsatisfactory any clause
which does not expressly mention the obligation on the host country to allow, under all circumstances, the transfers and conversions which are essential for the operation of military Headquarters established in the common interest of the Contracting Parties.

**Excise Duties and Sales Taxes**

52. It is noted that the question of whether Allied Headquarters should pay excise duties and sales taxes on important purchases for official use, paid for out of international funds, has not yet been resolved. It was understood from the United States Representative that this question was at present being studied elsewhere. In the absence of direction in this matter and the rejection of SHAPE's suggested Article in the Protocol, it is necessary to point out that SHAPE is faced with meeting such excise duties and sales taxes which are being demanded.

**MS—D(52) 6**


*Draft Protocol on the Status of Allied Headquarters set up pursuant to the North Atlantic Treaty*

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that international military Headquarters may be established in their territories, by separate arrangement, under the North Atlantic Treaty, and

Desiring to define the status of such Headquarters and of the personnel thereof within the North Atlantic Treaty area,

Have agreed to the present Protocol to the Agreement signed between them in London on 19th June, 1951, regarding the Status of their Forces:

**Article 1**

In the present Protocol the expression

(a) "the Agreement" means the Agreement signed in London on 19th June, 1951, between the Parties to the North Atlantic Treaty regarding the Status of their Forces;

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1 Reference: D—D(52) 27 (23 January 1952) for previous text; MS—R(52) 6 (2–3 May 1952) for discussion of the present text.
(b) "Supreme Headquarters" means Supreme Headquarters, Allied Powers in Europe, or any equivalent military Headquarters set up pursuant to the North Atlantic Treaty and having an international budget;

(c) "Allied Headquarters" means any Supreme Headquarters and any military Headquarters which is subordinate to a Supreme Headquarters and which operates with funds provided under an international budget;

(d) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

**Article 2**

Subject to the following provisions, the Agreement shall apply to Allied Headquarters in the territory of a Party to the present Protocol in the North Atlantic area, and to the military and civilian personnel of such Headquarters and their dependents included in the definitions in sub-paragraphs (a), (b) and (c) of Article 3 of this Protocol, when such personnel are present in such territory in connection with their official duties or, in the case of dependents, the official duties of their spouse or parent.

**Article 3**

For the purpose of applying the Agreement to an Allied Headquarters the expressions "force," "civilian component," and "dependent," wherever they occur in the Agreement, shall have the meanings set out below.

(a) "force" means the personnel attached to the Allied Headquarters who belong to the land, sea or air armed services of any Party to the North Atlantic Treaty;

(b) "civilian component" means civilian personnel who are not stateless persons, nor nationals of any State which is not a party to the Treaty, nor nationals of, nor ordinarily resident in, the receiving State, and who are (i) attached to the Allied Headquarters and in the employ of an armed service of a Party to the North Atlantic Treaty or (ii) in such categories of civilian personnel in the employ of the Allied Headquarters as the North Atlantic Council shall decide;

(c) "dependent" means the spouse of a member of a force or civilian component, as defined in sub-paragraphs (a) and (b) of this Article, or a child of such member depending on him or her for support.
ARTICLE 4

The rights and obligations which the Agreement gives to or imposes upon the sending State or its authorities in respect of its forces or their civilian components shall, in respect of an Allied Headquarters and its personnel and their dependents to whom the Agreement applies in accordance with Article 2 of the present Protocol, be vested in or attached to the appropriate Supreme Headquarters and the authorities responsible under it, except that

(a) the right which is given by Article VII of the Agreement to the military authorities of the sending State to exercise criminal and disciplinary jurisdiction shall not be exercised by an Allied Headquarters but shall remain vested in the military authorities of the State, if any, to whose military law the person concerned is subject;

(b) the obligations imposed upon the sending State or its authorities by Article II, paragraph 4 of Article III, paragraphs 5(a) and 6(a) of Article VII, paragraphs 9 and 10 of Article VIII, and Article XIII, of the Agreement, shall attach both to the Allied Headquarters and to any State whose armed service, [or any member or employee of whose armed service,]² or the dependent of such member or employee, is concerned;

(c) for the purposes of paragraphs 2(a) and 5 of Article III, and Article XIV, of the Agreement, the sending State shall be, in the case of members of a force and their dependents, the State to whose armed service the member belongs, or, in the case of members of a civilian component and their dependents, the State, if any, by whose armed service the member is employed;

(d) the obligations imposed on the sending State by virtue of paragraphs 6 and 7 of Article VIII of the Agreement shall attach to the State to whose armed service the person belongs whose act or omission has given rise to the claim or, in the case of a member of a civilian component, the State by whose armed service he is employed or, if there is no such State, the Allied Headquarters of which he is a member. Both the State, if any, to which obligations attach under this paragraph and the Allied Headquarters concerned shall have the rights of the sending State in connection with the appointment of an arbitrator under paragraph 8 of Article VIII.

²The words in square brackets, evidently omitted by a typist's error, have been supplied from the text of MS–D(52) 6(R) (5 May 1952).
Article 5

Every member of an Allied Headquarters shall have a personal identity card issued by the Headquarters showing names, date and place of birth, nationality, rank or grade, registration number, photograph and period of validity. This card must be presented on demand.

Article 6

For the purposes of paragraph 10 of Article VII of the Agreement, Allied Headquarters may use their own military police.

Article 7

1. The exemption from taxation accorded under Article X of the Agreement to members of a force or civilian component in respect of their salaries and emoluments shall apply, as regards personnel to whom the Agreement applies in accordance with Article 2 of this Protocol, to salaries and emoluments paid to them as such personnel by the Allied Headquarters or by the State to whose force or civilian component they belong, except that this Article shall not exempt any member of a force or civilian component from taxation imposed by a State of which such member is a national.

2. The provisions in paragraphs 5 and 6 of Article XI of the Agreement shall not apply to nationals of the receiving State.

Article 8

1. For the purpose of facilitating the establishment, construction, maintenance and operation of all Allied Headquarters, these Headquarters shall be relieved, so far as practicable, from duties and taxes, and each Party to the present Protocol shall enter into negotiation with any Allied Headquarters operating in its territory for the purpose of concluding an agreement to give effect to this provision.

2. An Allied Headquarters shall have the right granted to a force under Article XI of the Agreement subject to the same conditions.

3. The expression "duties and taxes" in this Article does not include charges for services rendered.

Article 9

1. Any land, buildings or installations acquired from the international funds of an Allied Headquarters and no longer required by
the Headquarters shall be disposed of under arrangements approved by the North Atlantic Council and the proceeds shall be distributed among or credited to the Parties to the North Atlantic Treaty in the proportions in which they contribute to the capital costs of the Headquarters.

2. Any land, buildings or installations provided for the use of an Allied Headquarters by the receiving State without charge to the Headquarters (other than a nominal charge) and no longer required by the Headquarters shall be handed back to the receiving State, and any increase or loss in the value of the property provided by the receiving State resulting from its use by the Headquarters shall be determined in accordance with the law of the receiving State and distributed among or credited or debited to the Parties to the North Atlantic Treaty in the proportions in which they contribute to the capital costs of the Headquarters.

**Article 10**

Each Supreme Headquarters shall possess juridical personality; it shall have the capacity to conclude contracts and to acquire and dispose of property. The receiving State may, however, make the exercise of such capacity subject to special arrangements between it and the Supreme Headquarters or any subordinate Allied Headquarters acting on behalf of the Supreme Headquarters.

**Article 11**

1. Subject to the provisions of Article VIII of the Agreement, a Supreme Headquarters may engage in legal proceedings as claimant or defendant. However, the receiving State and the Supreme Headquarters or any subordinate Allied Headquarters authorised by it may agree that the receiving State shall act on behalf of the Supreme Headquarters in any legal proceedings to which that Headquarters is a party before the courts of the receiving State.

2. No measure of execution or measure directed to the seizure or attachment of its property or funds shall be taken against any Allied Headquarters, except for the purposes of paragraph 6(a) of Article VII and paragraph 4 of Article XIII of the Agreement.

**Article 12**

1. To enable it to operate its international budget, an Allied Headquarters may hold currency of any kind and operate accounts in any currency.
2. The Parties to the present Protocol shall, at the request of a Supreme Headquarters, facilitate transfers of the funds of an Allied Headquarters from one country to another and the conversion of any currency held by an Allied Headquarters into any other currency, when necessary to meet the requirements of any Allied Headquarters.

**Article 13**

The archives and other official documents of an Allied Headquarters kept in premises used by those Headquarters or in the possession of any properly authorised member of the Headquarters shall be inviolable, unless the Headquarters has waived this immunity. The Headquarters shall, at the request of the receiving State and in the presence of a representative of that State, verify the nature of any documents to confirm that they are entitled to immunity under this Article.

**Article 14**

1. The whole or any part of the present Protocol or of the Agreement may be applied, by decision of the North Atlantic Council, to any military organisation (other than an Allied Headquarters) which is established pursuant to the North Atlantic Treaty and operates with funds provided under an international budget.

2. If and when the European Defence Community comes into being, the present Protocol may be applied to the personnel of the European Defence Community and their dependents attached to an Allied Headquarters at such time and in such manner as may be determined by the North Atlantic Council.

**Article 15**

All differences between the Parties to the present Protocol or between any such Parties and any Allied Headquarters relating to the interpretation or application of the Protocol shall be settled by negotiation between the parties in dispute without recourse to any outside jurisdiction. Except where express provision is made to the contrary in the present Protocol or in the Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

**Article 16**

1. Articles XV and XVII to XX of the Agreement shall apply as regards the present Protocol as if they were an integral part thereof, but so that the Protocol may be reviewed, suspended, rati-
fied, acceded to, denounced or extended in accordance with those provisions independently from the Agreement.

2. The present Protocol may be supplemented by bilateral agreement between the receiving State and a Supreme Headquarters, and the authorities of a receiving State and a Supreme Headquarters may agree to give effect, by administrative means in advance of ratification, to any provisions of this Protocol or of the Agreement as applied by it.

MS-D(52) 6 (Revise)

Protocol on the Status of Allied Headquarters—Revised Draft (5 May 1952)

Draft Protocol on the Status of Allied Headquarters
set up pursuant to the North Atlantic Treaty

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that international military Headquarters may be established in their territories, by separate arrangement, under the North Atlantic Treaty, and

Desiring to define the status of such Headquarters and of the personnel thereof within the North Atlantic Treaty area,

Have agreed to the present Protocol to the Agreement signed in London on 19th June, 1951, regarding the Status of their Forces:

**Article 1**

In the present Protocol the expression
(a) “the Agreement” means the Agreement signed in London on 19th June, 1951, by the Parties to the North Atlantic Treaty regarding the Status of their Forces;
(b) “Supreme Headquarters” means Supreme Headquarters Allied Powers in Europe or any equivalent military Headquarters set up pursuant to the North Atlantic Treaty and having an international budget;
(c) “Allied Headquarters” means any Supreme Headquarters and any military Headquarters set up pursuant to the North Atlantic Treaty which is subordinate to a Supreme Headquarters and which operates with funds provided under an international budget;

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1Reference: MS-D(52) 6 (27 March 1952) for previous text; MS-D(52) 9 (24 May 1952) for comments by Governments and SACLANT; MS-R(52) 7 (4-5 June 1952) for discussion of the present text.
(d) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

**Article 2**

Subject to the following provisions of this Protocol, the Agreement shall apply to Allied Headquarters in the territory of a Party to the present Protocol in the North Atlantic Treaty area, and to the military and civilian personnel of such Headquarters and their dependents included in the definitions in sub-paragraphs (a), (b) and (c) of Article 3 of this Protocol, when such personnel are present in any such territory in connection with their official duties or, in the case of dependents, the official duties of their spouse or parent.

**Article 3**

For the purpose of applying the Agreement to an Allied Headquarters the expressions "force," "civilian component," and "dependent," wherever they occur in the Agreement shall have the meanings set out below:

(a) "force" means the personnel attached to the Allied Headquarters who belong to the land, sea or air armed services of any Party to the North Atlantic Treaty;

(b) "civilian component" means civilian personnel who are not stateless persons, nor nationals of any State which is not a Party to the Treaty, nor nationals of, nor ordinarily resident in, the receiving State, and who are (i) attached to the Allied Headquarters and in the employ of an armed service of a Party to the North Atlantic Treaty or (ii) in such categories of civilian personnel in the employ of the Allied Headquarters as the North Atlantic Council shall decide;

(c) "dependent" means the spouse of a member of a force or civilian component, as defined in sub-paragraphs (a) and (b) of this Article, or a child of such member depending on him or her for support.

**Article 4**

The rights and obligations which the Agreement gives to or imposes upon the sending State or its authorities in respect of its forces or their civilian components or dependents shall, in respect of an Allied Headquarters and its personnel and their dependents to whom the Agreement applies in accordance with Article 2 of the present Protocol, be vested in or attached to the appropriate
Supreme Headquarters and the authorities responsible under it, except that

(a) the right which is given by Article VII of the Agreement to the military authorities of the sending State to exercise criminal and disciplinary jurisdiction shall remain vested in the military authorities of the State, if any, to whose military law the person concerned is subject;

(b) the obligations imposed upon the sending State or its authorities by Article II, paragraph 4 of Article III, paragraphs 5(a) and 6(a) of Article VII, paragraphs 9 and 10 of Article VIII, and Article XIII, of the Agreement, shall attach both to the Allied Headquarters and to any State whose armed service, or any member or employee of whose armed service, or the dependent of such member or employee, is concerned;

(c) for the purposes of paragraphs 2(a) and 5 of Article III, and Article XIV, of the Agreement, the sending State shall be, in the case of members of a force and their dependents, the State to whose armed service the member belongs, or, in the case of members of a civilian component and their dependents, the State, if any, by whose armed service the member is employed;

(d) the obligations imposed on the sending State by virtue of paragraphs 6 and 7 of Article VIII of the Agreement shall attach:

(i) to the State to whose armed service the person whose act or omission, or the vehicle whose unauthorized use, has given rise to the claim belongs, or

(ii) in the case of a member of a civilian component, the State by whose armed service he is employed, or

(iii) if there is no such State under (i) or (ii), the Allied Headquarters of which the person concerned is a member or to which the vehicle concerned belongs.

Both the State, if any, to which obligations attach under this paragraph and the Allied Headquarters concerned shall have the rights of the sending State in connection with the appointment of an arbitrator under paragraph 8 of Article VIII.

**Article 5**

Every member of an Allied Headquarters shall have a personal identity card issued by the Headquarters showing names, date and place of birth, nationality, rank or grade, registration number,
photograph and period of validity. This card must be presented on demand.

**Article 6**

For the purposes of paragraph 10 of Article VII of the Agreement, Allied Headquarters may use their own military police.

**Article 7**

1. For the purposes of paragraphs 1 and 2 of Article VIII of the Agreement:
   
   (a) property owned by an Allied Headquarters or by a Party to this Protocol and used by an Allied Headquarters shall be deemed to be property owned by a Contracting Party and used by its armed services;

   (b) damage caused by a member of a force or civilian component as defined in Article 3 of this Protocol or by any other employee of an Allied Headquarters shall be deemed to be damage caused by a member or employee of the armed services of a Contracting Party;

   (c) the definition of the expression “owned by a Contracting Party” in paragraph 3 of Article VIII shall apply in respect of an Allied Headquarters.

2. The claims to which paragraph 5 of Article VIII of the Agreement applies shall include claims (other than contractual claims and claims to which paragraphs 6 or 7 of that Article apply) arising out of acts or omissions of any employees of an Allied Headquarters, or out of any other act, omission or occurrence for which an Allied Headquarters is legally responsible, and causing damage in the territory of a receiving State to third parties, other than any of the Parties to this Protocol.

**Article 8**

An Allied Headquarters shall be considered to be a force for the purposes of paragraphs 2, 3, 4 and 8 of Article IX and paragraph 4 of Article XI of the Agreement.

**Article 9**

1. The exemption from taxation accorded under Article X of the Agreement to members of a force or civilian component in respect of their salaries and emoluments shall apply, as regards personnel of an Allied Headquarters within the definitions in paragraphs (a) and (b)(i) of Article 3, to salaries and emoluments paid to
them as such personnel by that Party, except that this paragraph shall not exempt any such member or employee from taxation imposed by a State of which he is a national.

2. Employees of an Allied Headquarters of categories agreed by the North Atlantic Council, shall be exempted from taxation on the salaries and emoluments paid to them by the Allied Headquarters in their capacity as such employees. Any such Party to the present Protocol may, however, conclude an arrangement with the Allied Headquarters whereby such Party will employ and assign to the Allied Headquarters all of its nationals (except, if such Party so desires, any not ordinarily resident within its territory) who are to serve on the staff of the Allied Headquarters and pay the salaries and emoluments of such persons from its own funds, at a scale fixed by it. The salaries and emoluments so paid may be taxed by the Party concerned but shall be exempt from taxation by any other Party. If such an arrangement is entered into by any Party to the present Protocol and is subsequently modified or terminated, Parties to the present Protocol shall no longer be bound under the first sentence of this paragraph to exempt from taxation the salaries and emoluments paid to their nationals.

**Article 10**

1. For the purpose of facilitating the establishment, construction, maintenance and operation of Allied Headquarters, these Headquarters shall be relieved, so far as practicable, from duties and taxes, and each Party to the present Protocol shall enter into negotiation with any Allied Headquarters operating in its territory for the purpose of concluding an agreement to give effect to this provision.

2. An Allied Headquarters shall have the rights granted to a force under Article XI of the Agreement subject to the same conditions.

3. The provisions in paragraphs 5 and 6 of Article XI of the Agreement shall not apply to nationals of the receiving State.

4. The expression "duties and taxes" in this Article does not include charges for services rendered.

**Article 11**

Except insofar as the North Atlantic Council may decide otherwise:

(a) any assets acquired from the international funds of an Allied Headquarters under its capital budget and no longer required
by the Headquarters shall be disposed of under arrangements approved by the North Atlantic Council and the proceeds shall be distributed among or credited to the Parties to the North Atlantic Treaty in the proportions in which they have contributed to the capital costs of the Headquarters.

(b) any land, buildings or fixed installations provided for the use of an Allied Headquarters by the receiving State without charge to the Headquarters (other than a nominal charge) and no longer required by the Headquarters shall be handed back to the receiving State, and any increase or loss in the value of the property provided by the receiving State resulting from its use by the Headquarters shall be determined by the North Atlantic Council and distributed among or credited or debited to the Parties to the North Atlantic Treaty in the proportions in which they have contributed to the capital costs of the Headquarters.

**Article 12**

Each Supreme Headquarters shall possess juridical personality; it shall have the capacity to conclude contracts and to acquire and dispose of property. The receiving State may, however, make the exercise of such capacity subject to special arrangements between it and the Supreme Headquarters or any subordinate Allied Headquarters acting on behalf of the Supreme Headquarters.

**Article 13**

1. Subject to the provisions of Article VIII of the Agreement, a Supreme Headquarters may engage in legal proceedings as claimant or defendant. However, the receiving State and the Supreme Headquarters or any subordinate Allied Headquarters authorised by it may agree that the receiving State shall act on behalf of the Supreme Headquarters in any legal proceedings to which that Headquarters is a party before the courts of the receiving State.

2. No measure of execution or measure directed to the seizure or attachment of its property or funds shall be taken against any Allied Headquarters, except for the purposes of paragraph 6(a) of Article VII and Article XIII of the Agreement.

**Article 14**

1. To enable it to operate its international budget, an Allied Headquarters may hold currency of any kind and operate accounts in any currency.
2. The Parties to the present Protocol shall, at the request of a Supreme Headquarters, facilitate transfers of the funds of an Allied Headquarters from one country to another and the conversion of any currency held by an Allied Headquarters into any other currency, when necessary to meet the requirements of any Allied Headquarters.

Article 15

The archives and other official documents of an Allied Headquarters kept in premises used by those Headquarters or in the possession of any properly authorised member of the Headquarters shall be inviolable, unless the Headquarters has waived this immunity. The Headquarters shall, at the request of the receiving State and in the presence of a representative of that State, verify the nature of any documents to confirm that they are entitled to immunity under this Article.

Article 16

1. The whole or any part of the present Protocol or of the Agreement may be applied, by decision of the North Atlantic Council, to any military organisation (other than an Allied Headquarters) which is established pursuant to the North Atlantic Treaty and operates with funds provided under an international budget.

2. If and when the European Defence Community comes into being, the present Protocol may be applied to the personnel of the European Defence Community and their dependents attached to an Allied Headquarters at such time and in such manner as may be determined by the North Atlantic Council.

Article 17

All differences between the Parties to the present Protocol or between any such Parties and any Allied Headquarters relating to the interpretation or application of the Protocol shall be settled by negotiation between the parties in dispute without recourse to any outside jurisdiction. Except where express provision is made to the contrary in the present Protocol or in the Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

Article 18

1. Articles XV and XVII to XX of the Agreement shall apply as regards the present Protocol as if they were an integral part thereof,
but so that the Protocol may be reviewed, suspended, ratified, acceded to, denounced or extended in accordance with those provisions independently from the Agreement.

2. The present Protocol may be supplemented by bilateral agreement between the receiving State and a Supreme Headquarters, and the authorities of a receiving State and a Supreme Headquarters may agree to give effect, by administrative means in advance of ratification, to any provisions of this Protocol or of the Agreement as applied by it.

In witness whereof the undersigned Plenipotentiaries have signed the present Protocol.

Done in Paris this __________ day of __________, 1952, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

MS–D(52) 7

Status of Forces Agreement—Memorandum by Italy on the Marking of Service Vehicles (24 April 1952)¹

1. The Agreement on the Status of Military Forces, in Article V, par. 2, states that service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

2. The Italian Government feels that, while the enforcement of the said Agreement throughout the NATO countries is still pending, steps should be taken in order that motor vehicles' registration numbers and nationality marks be communicated as from now by Allied Headquarters and by the sending States to the receiving States.

3. The measure recommended would serve the purpose of enabling the traffic officers of the receiving State to identify NATO motor vehicles and thereby:

(a) cooperate with the Headquarters' military police in order that local traffic regulations be abided by;

(b) give NATO vehicles all possible assistance and traffic priority, when requested for military purposes.

4. The Italian Delegation has therefore been directed to request that the Juridical Working Party, in referring to the Council

¹See MS–R(52) 6 (2–3 May 1952). Paragraph numbers in the above document have been added by the editor.
Deputies the proposal outlined above, advise them to endorse it and transmit it to the Governments and to the proper military authorities for action.

D-D(52) 77(F)

Reorganization of NATO—Transfer of Powers Vested in Chairman of Council Deputies under Status Agreements (12 May 1952)

Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff

AGREED MINUTE

The North Atlantic Council Deputies,

Considering that under the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, signed at Ottawa on the 20th September, 1951, certain functions are vested in the Chairman of the Council Deputies;¹

And considering that, in consequence of the reorganization of the North Atlantic Treaty Organization, the office of Chairman of the Council Deputies will be abolished on the 4th April 1952;

Agree on behalf of their Governments that the said functions shall from that date be exercised by the Secretary-General of the Organization, or in his absence by his Deputy, or by such other person as the North Atlantic Council may decide.

Dated this fourth day of April, 1952.

[There follow the signatures of the Deputies for Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, United Kingdom and United States.]

MS-D(52) 8

Status of Forces Agreement—Memorandum by the United States Delegation on Implementation (20 May 1952)

Memorandum by United States Delegation

* * * * * * *

3. After discussion of D-D(52) 48(R) with other members of the Working Group, the United States is now prepared to restate its position in Section A, paragraph 1, of that paper, as follows:

¹ For these functions, see the following Articles of the Agreement: Article 1(d); Article 5; Article 17; Article 20; Article 21, par. 2; Article 22. The transfer of functions would appear also to be applicable to Article VIII, par. 2(b), of the Status of Forces Agreement.
“The United States wishes to continue the existing arrangements with most countries on service post exchanges, commissaries or similar establishments and to reserve the right to deal directly with individual NATO member States on this subject. We do not consider that anything in the Agreement constitutes a renunciation of present understandings or the right to negotiate in the future on this subject.”

4. Also, the United States is now prepared to withdraw from discussion in the multilateral NATO framework the points raised in Section A, paragraph 3, of D—D(52) 48 (Revise) and to take these questions up in bilateral negotiations as provided in Article IX, paragraph 3, of the Military Status Agreement.

5. We are anxious to have an early expression of the views of the other countries on D—D(52) 48 (Revise), Section A, paragraph 1, as restated above, paragraph 2 and paragraph 4, and suggest that such views might be communicated to us either directly or through the NATO Secretariat by 26 May.

6. The United States has indicated its intention to implement provisionally the first sentence of Article III, paragraph 1. As for all provisional implementation on our part, this can be done only within the framework of existing law. Within that framework, all visiting NATO forces will be exempt from all visa, passport, and immigration requirements, except that it is not possible entirely to avoid immigration inspection required under the Internal Security Act of 1950, insofar as it provides for exclusion from admission to the United States of any alien who is a member of any one of the following classes:

“Aliens who seek to enter the United States, whether solely, principally, or incidentally, to engage in activities which would be prejudicial to the public interest, or would endanger the welfare or safety of the United States;

“Aliens with respect to whom there is reason to believe that such aliens would, after entry, be likely to (A) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security; (B) engage in any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unconstitutional means; or (C) organize, join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950.”

7. For the information of other delegations, we can now confirm
our earlier expectations that the Agreement will be submitted to the Senate in an effort to obtain its advice and consent, prerequisite to ratification, during the present session.

MS–D(52) 9

Protocol on the Status of Allied Headquarters—Comments by Governments and by SACLANT (24 May 1952)

I. Comments by the Italian Delegation.

Article 10

1. If the words “as far as practicable” are interpreted as meaning “within the framework of existing legislation,” this would appear to deprive paragraph 1 of this Article of its substance. This point should be clarified by the Working Group.

Article 11

2. The Italian Government could accept paragraph (a), subject to the insertion in this Article of a clause stipulating that the host country should have first option in the purchase of items no longer required by a Headquarters.

3. In paragraph (b), insert “temporarily” after the word “installations,” or amend to read: “provided for the temporary use of.” Replace the word “use” by “occupation.” After the word “determined,” insert the words “in accordance with the law of the receiving State,” as in Article 9, paragraph 2, of MS–D(52) 6.

II. Comments by the United Kingdom Delegation.

Article 4

4. In paragraph (d)(i), omit the words “or the vehicle whose unauthorised use.” If the user of the vehicle is a member of a force, then the State to whose armed service he belongs should be responsible. The same applies where the user is a member of the civilian component in the employ of an armed service of a State. In other cases, subparagraph (iii) of Article 4, paragraph (d), applies.

1Reference: MS–D(52) 6(R) (5 May 1952) for text under consideration; MS–R(52) 7 (4–5 June 1952) for discussion of text and of the comments made above. The order of these comments has been slightly re-arranged by the editor (the comments of the United States are found in an Addendum of 29 May 1952; those of Belgium and SACLANT, in an Addendum of 30 May 1952), and paragraph numbers have been added.
Article 8

5. The words "paragraph 4 of Article XI" should read: "paragraph 4 of Article XIII." Paragraph 4 of Article XI is covered by Article 10, paragraph 2.

III. Comments by the United States Delegation.

Article 1

6. We are not entirely content with the references to international budgets in Article 1. We feel that this may lead to a result quite contrary to the intention of the Working Group since we cannot foresee future financing arrangements and it is already apparent that, as a result of infrastructure and other negotiations, many Headquarters will be internationally financed. We prefer to delete these references in subparagraphs (b) and (c) and to insert the word "international" before "military Headquarters" in (c). We are conscious that the present wording was devised having in mind that certain headquarters were partly national and partly international. We do not, however, see any difficulty in establishing that the Protocol applies to the international part and that the national part cannot be considered international and thus incur rights and obligations under the Protocol.

Article 7

7. The International Court of Justice has given an advisory opinion concerning reparations for injuries suffered in the service of the United Nations in which the right of the United Nations to assert international claims as a result of injury to its personnel is recognized. There seems to be some possibility of an analogy being drawn between the Headquarters covered in the Protocol and the United Nations, and we believe the record should state agreement that the rights and obligations attached to a Headquarters by Article 4 of the Protocol include the waiver of such claims by or against Headquarters. In this connection, we note that Article 7 of the draft Protocol provides for waiver of claims as under Article VIII, paragraph 1, and [we] believe that it would be in line with this for the record to show that claims as under Article VIII, paragraph 4, are also waived.

Article 8

8. We feel that Article 8 of the Protocol as now drafted does not cover all points in which a headquarters should be considered a "force" under the Agreement, and [we] propose the following amendment:
An Allied Headquarters shall be considered to be a force for the purposes of Article II, paragraph 2 of Article V, Article IX (or, if others prefer, paragraphs 2, 3, 4, 5, 7 and 8 of Article IX), and Article XIII.

9. For purely drafting reasons, we suggest adding to the provisions cited in the above text: “paragraph 10 of Article VII, and Article XI.” This would permit deletion of Article 6 and paragraph 2 of Article 10 of the present draft of the Protocol.

10. We suggest that this amended Article might be incorporated into Article 3 of the Protocol.

Article 9

11. In paragraph 1, substitute “the armed service to which they belong or by which they are employed” for “that Party.”

12. In paragraph 2 at the beginning of the second sentence, delete the word “such.”

Article 10

13. The United States has noted the comments made at the last meeting on its interpretation of Article 10. We do not find it necessary now to press for discussion of views beyond that which took place at the earlier meetings of the Working Group. The United States accepts the interpretations put on record by the French Representative at our last meeting.

14. It seems to us that paragraph 8 of Article 10 goes a little bit too far. We suggest that there should be added to the present text the words: “unless such nationals belong to the armed services of a Party other than the receiving State.” With this addition the Protocol would be consistent with the Agreement itself.

Article 11

15. In connection with subparagraph (b) of Article 11, the United States would wish to put on record its view that, in agreeing on any principle for the distribution of the increase or loss in value of land, buildings or fixed installations used by an Allied Headquarters, no precedent will be set for similar determinations in other connections.

IV. Comments of the Belgian Delegation.

Article 9

16. In paragraph 1, add the following: “The exemption referred to in the present Article shall be granted to members of a force
only if their pay and allowances are taxable in a State other than the receiving State.”

Motive. Members of a force attached to a Headquarters will not be exempted from taxation on their pay if they are nationals of the receiving State in implementation of Article 4 of the Convention. Thus, a French soldier posted to a Headquarters in France would pay French income tax. But a Belgian living or normally resident in France, who, in his capacity as a Belgian soldier, is posted to a Headquarters in France, would be exempt from Belgian income tax. It would therefore not be right to exempt him from taxation in France.

17. Add the following new paragraph to Article 9 of the Protocol:

   The Allied Headquarters shall provide the State concerned with any necessary information in respect of taxation on emoluments paid by them (amount of emoluments, identity, civilian status, dependents and last domicile of beneficiaries in their home State). If requested, they shall render the said State any assistance with respect to collection of the tax.

Article 10

18. In paragraph 1, for the words “so far as practicable,” substitute the words: “in so far as is necessary for the normal performance of their duties.

19. Add the following new paragraph to Article 10:

   The exemption from duties and taxes considered or provided for in paragraphs 1 and 2 of the present Article shall be granted to Allied Headquarters only for their purchases, imports and exports for the official and exclusive use of these Headquarters.

Article 14

20. Add the following to paragraph 2 of Article 14:

   Should implementation of the stipulations in the present paragraph be rendered difficult by certain provisions in their respective currency regulations, consultations shall be held between the Governments concerned and the Supreme Headquarters.

V. Comments of SAACLANT.

Article 1

21. In paragraph (b), after the word “Europe” add: “and Headquarters of the Supreme Allied Commander Atlantic.”
Article 10

22. Change the numbering of paragraphs 2, 3 and 4, to paragraphs 3, 4 and 5, respectively. Add a new paragraph 2 as follows:

2. The receiving State and an Allied Headquarters may by agreement fix the categories and quantities of imported goods which entitled persons may procure from the appropriate sales agencies of Allied Headquarters. In the absence of agreement covering this subject each Headquarters shall regulate such sales by reasonable regulations.

Article 12

23. Delete the whole present Article, and substitute new wording as follows:

Each Supreme Headquarters shall possess the capacity: (a) to contract; (b) to acquire and dispose of real and personal property; (c) to institute and defend legal proceedings. The receiving State may, however, make the exercise of such capacity subject to special arrangements between it and the Supreme Headquarters or any subordinate Allied Headquarters acting on behalf of the Supreme Headquarters.

Article 13

24. Delete paragraph 1, since this subject matter is included in the suggested change of Article 12.

Article 14

25. Change paragraph 2 to become paragraph 3. Add a new paragraph 2, as follows:

2. In order that surplus or idle international funds may produce income, authority is granted an Allied Headquarters to invest surplus portions of such funds in callable securities under the general rules applicable to the investment of trust funds.

New Article

26. Change the present numbering of Articles 16, 17 and 18, to read as Articles 17, 18 and 19, respectively. Add a new Article 16, as follows:

16. Any Supreme Allied Commander and the principal members of his staff, to be designated by him but not to extend below division level, shall, while present in the territory of any member State of which such person is not a national for the dis-
charge of his duties, enjoy the following privileges and immunities:

(a) immunity from personal arrest and detention;
(b) in respect of acts done in his official capacity, immunity from legal process;
(c) inviolability of all papers and documents;
(d) such privileges and immunities as are accorded foreign Governments, in so far as concerns customs duties and internal revenue taxes imposed upon or by reason of importation, and the procedures in connection therewith; the registration of foreign agents; and the treatment of official communications.

C–M(52) 30


Report by the Chairman of the Working Group

1. I have the honor to submit to the council the attached draft Protocol (Annex A) on the status of International Military Headquarters set up pursuant to the North Atlantic Treaty, which has been prepared by the Working Group on Military Status.

2. The purpose of the Protocol is to extend to international military Headquarters set up pursuant to the Treaty the provisions of the Status of Forces Agreement signed in London on 19 June 1951, which regulates the status of the national forces of one NATO member in the territory of another member. It also contains in Articles 8 to 13 certain additional provisions which have no parallel in the Status of Forces Agreement but which the Working Group considers to be desirable in regard to an international Headquarters.

3. The Protocol will apply automatically to SHAPE, SACLANT and equivalent Headquarters and to other international Headquarters immediately subordinate to them: see the definitions in Article 1 (b) and (c). Provision is made in Article 14(1) for its extension, by decision of the Council, to other international military Headquarters and organizations established pursuant to the Treaty. The reason why the Working Group came to the conclusion that it was advisable not to make the Protocol automatically applicable to Head-

1Reference: MS–D(52) 6(R) (5 May 1952) for previous text; and for discussion of the present text: C–R(52) 14 (2 July 1952); MS–D(52) 10 (2 July 1952); MS–R(52) 8–9 (3 and 10 July 1952); C–M(52) 56 (25 July 1952).
quarters other than those within the definitions in Article 1 (b) and (c) is that below the level of the subordinate Headquarters referred to in Article 1(c) some Headquarters are only partially international and it is preferable to consider each case on its merits.

4. In the case of SHAPE and its subordinate Headquarters, according to the present set-up, the Protocol would apply automatically to:

SHAPE
Headquarters Allied Land Forces Central Europe
Headquarters Allied Air Forces Central Europe
Headquarters Flag Officer Central Europe
Headquarters Allied Forces Southern Europe
Headquarters Allied Forces Northern Europe.

The Working Group recommends that the Council should decide to extend the Protocol under Article 14(1) to the following:

Headquarters Allied Air Forces Northern Europe
Headquarters Allied Naval Forces Northern Europe
Headquarters Allied Land Forces Southern Europe
Headquarters Allied Air Forces Southern Europe
Headquarters Allied Naval Forces Southern Europe.

A form of resolution is attached for this purpose (Annex B).²

Headquarters Allied Land Forces Norway and Headquarters Allied Land Forces Denmark are not included in this recommendation because they are essentially national and not international and the small international element attached to the latter can be treated as a detachment of Headquarters Allied Forces Northern Europe.

5. The Working Group suggests that the Secretariat should be asked to submit proposals on similar lines regarding the application of the Protocol to the subordinate headquarters of SACLANT. The only international military organization (other than Headquarters) existing at present to which the Council will wish to consider extending the Protocol under Article 14(1) is the NATO Defense College in Paris, and the Working Group suggests that the Standing Group should be asked for its view on this point.

6. With two exceptions, the text of the draft Protocol was unanimously accepted by the Working Group. It represents a carefully weighed balance of interests and to this end involved concessions on the part of all concerned. The Working Group expressed the hope that, bearing this in mind, all NATO Governments would accept the instrument without reservation in its present form, though no representative on the Working Group was

² Annex B has been omitted; its text is identical with that of Annex B in C-M(52) 56 (25 July 1952).
able to commit his Government before it had had an opportunity to examine the final text.

7. The two exceptions to the unanimous agreement of the Working Group on the text are Articles 7 and 8. Article 7 provides for income tax exemptions to be granted to the members of international military Headquarters. Their members fall into three categories:

(1) military personnel who belong to the armed services of the States Parties to the North Atlantic Treaty and who are attached to the Headquarters for duty;

(2) civilian personnel employed by such armed services who are attached to the Headquarters for duty; and

(3) civilian personnel directly employed by the Headquarters.

The first two categories will be paid by the armed services of which they are members or by which they are employed and therefore can be assimilated for income tax purposes to the members of the national forces and their civilian components, to whom the Status of Forces Agreement itself applies. The third category can be assimilated to the international staff of NATO and should therefore be subject to the regime set out in Article 19 of the Agreement on the Status of NATO, National Representatives and International Staff, signed in Ottawa on 20 September 1951. The difference is that States are free to tax their own nationals in categories (1) and (2), but not those in category (3) unless they make a special arrangement for that purpose under paragraph 2 of Article 7 of the Protocol. The Canadian Representative in the Working Group stated that his Government had only accepted Article 19 of the Ottawa Agreement with reluctance and he was unable to accept paragraph 2 of Article 7 of the Protocol. The remaining members of the Working Group said that their Governments could accept Article 7 (some of them reluctantly). On the other hand, the alternative of deleting paragraph 2 and extending paragraph 1 to apply to the third category of personnel referred to above was unacceptable to the United States Government and, on balance, the present text of Article 7 appeared to command the greater measure of support. No compromise solution was found possible. The Canadian Representative in the Working Group was asked to inform his Government of the discussion on this Article and to invite them to reconsider their attitude with a view to reaching unanimous agreement.

8. The Netherlands and Belgian Representatives in the Working Group stated that they were unable to give the agreement of their Governments to paragraph 1 of Article 8. They proposed to sub-
stitute a paragraph on the lines of Article 10 of the Ottawa Agreement. This proposal was, however, unacceptable to the United States Government because of the terms of the Mutual Security Act, and the Netherlands and Belgian Representatives agreed to ask their Governments to reconsider the matter. Several amendments were made to the text of Article 8 in order to meet some of the objections of those and other Governments to it.

9. The Working Group wishes to call the attention of the Council to the following points which were raised in the discussion on the Protocol:

(a) The Representative of the French Government urged that a provision be included which would make it possible for Supreme Headquarters to establish an integrated military post office or postal service as an alternative to the national military post offices proposed by SHAPE. The Working Group considered that either solution raised certain difficulties which made it inadvisable to attempt to cover this subject in the present Protocol, and the Working Group therefore recommends that it be left to bilateral arrangements, subject to later consideration on an international basis if that appears necessary.

(b) It was proposed that the Supreme Commander and the Commander-in-Chief directly subordinate to him be granted certain personal privileges analogous to those accorded to diplomatic personnel. This presented difficulties for certain Governments, and the Working Group agreed to leave this question to national arrangements.

10. The Working Group recommends that at the time of signature of the Protocol the Council should adopt a resolution similar to that adopted by the Council Deputies at the time of signature of the Status of Forces Agreement, recommending Governments to apply the Protocol provisionally so far as possible, pending ratification. A form of resolution for this purpose is attached to this report (Annex C).³

11. When the Treaty establishing the European Defense Community comes into force, it will be necessary for the Council to determine the manner in which the Protocol shall apply to members of the European Defense Force attached to international military Headquarters; see Article 24(2). It will also be necessary to draw up an additional Protocol defining the status of the European Defense

³Annex C has been omitted; its text is identical with that of Annex C in C-M(52) 56 (25 July 1952).
Forces in North Atlantic Treaty countries, since they will not fall within the definition of “force” in Article I, par. 1(a) of the Status of Forces Agreement. If the Council agrees, the Working Group will in due course submit draft instruments for these purposes.

ANNEX A

Draft Protocol on the Status of International Military Headquarters Set Up Pursuant to the North Atlantic Treaty

[The text of the Protocol in this Annex is identical, except for two minor variations noted in the footnote below, with the English text of the final printed version of the Protocol as signed in Paris on 28 August 1952].

MS–D(52) 10

Protocol on the Status of Allied Headquarters—Statements by the Canadian and Netherlands Representatives (2 July 1952)

I.—Statement by the Canadian Representative

On instruction from my Government, I can report that Canada can subscribe to the Protocol in its present form when it becomes open for signature, without reservation in respect of paragraph 2 of Article 7.

In reporting that the Protocol has been found acceptable by the Canadian authorities concerned, I am further directed to indicate that:

(a) these authorities regard Canada’s right to tax Canadian citizens resident or ordinarily resident in Canada as having been maintained by the provisions of par. 2 of Article 7 permitting a party to the Protocol to employ, pay and tax each member of the quota of its nationals serving on the Allied Headquarters, whether or not the Canadian Government avails itself of this provision; and

(b) the acquiescence of the Canadian Government to par. 2 of

--- Footnotes ---

4 These two variations: (1) In Article 8, par. 1, the words “and for their official and exclusive use” are not found in C–M(52) 30 and appear only in the final text as signed; and (2) the draft Protocol above does not contain the date of signature nor the actual signatures. The final text is reproduced at page 43, supra.

1 These statements are referred to in the Record of the Council meeting on 2 July 1952: C–R(52) 14, par. 20 (Canadian statement) and par. 25 (Netherlands statement). See also MS–R(52) 8–9 (3 and 10 July 1952).
Article 7 is not to be regarded as creating a precedent for any future arrangement concerning Canadian residents employed by an international organization.

II.—Statement by the Netherlands Representative

With regard to Article 12, par. 1, I bring to the Council’s attention that the Netherlands Representative in the Budget Committee has tabled a proposal for an exchange rate guarantee to be given by each member country for funds held by NATO in one of their currencies. The Working Group, which prepared the draft Protocol now before us, being a meeting of legal experts, passed rather hurriedly over this matter, suggesting that it would be more appropriate for the Military Budget Committee to look into it.

In view of the quite considerable amounts involved in the existing and anticipated military budgets, especially after the extension of the scope of military budgets which is now under consideration and may at some future date be agreed upon to a greater or lesser extent, it would appear indispensable for the amounts held by NATO to be protected by a system of guarantees.

I suggest that the Council agree to ask the Budget Committee and Military Budget Committee to elaborate such a system for the whole of NATO at an early date.

The provision of par. 2 of Article 12 may in its practical application lead to some difficulties if it were left to the discretion of Allied Headquarters to convert particular countries’ contributions into hard currencies. It would appear that the establishment of a procedure and general agreement on the question, to what extent such conversion can take place under this Protocol, is highly desirable.

I would suggest that, if an Allied Headquarters foresees that its expenditure in hard currency may be greater in any budgetary period than its hard currency revenue, the matter should be brought before the Military Budget Committee. Should the Military Budget Committee agree to the hard currency expenditure involved, the provision of such currency should be the joint responsibility of the other NATO countries in proportion to their contributions to the NATO budget for the expenditure in question.

I must reserve my position on the provision of Article 12 until such time as an arrangement has been agreed upon by the Military Budget Committee taking care of the two preoccupations of my Government. As soon as this is the case, I will notify the Secretariat of the withdrawal of my reservation and it will, I assume, not be necessary for the Council to consider the matter again.

Report of the Chairman of the Working Group

1. I have the honor to inform the Council that, in accordance with the Council's decision at its meeting on 2 July, the Working Group on Military Status has re-examined the text of the draft Protocol on International Military Headquarters contained in Document C-M (52) 30 in the light of the comments of member Governments. These comments related to Articles 7, 8 and 12 of the Protocol.

2. The Canadian Representative at the Working Group confirmed that his Government did not intend to make any reservation regarding Article 7 and would amend the wording of the statement read on their behalf to the Council on 2 July in order to clarify this intention. He informed the Working Group of the terms of the revised statement, and the Working Group is satisfied that it is entirely consistent with the provisions of Article 7.

3. The Netherlands Representative explained that his Government was reluctant to accept paragraph 2 of Article 7 for reasons which are set out fully in the Summary Records of the meeting of the Working Group. The Belgian and other Representatives expressed similar views on behalf of their Governments. After considerable discussion, the text of Article 7 in C-M (52) 30 was unanimously agreed. The Working Group recommends, however, that the question of exemption from income tax of the emoluments of the international staff of NATO and of NATO military Headquarters should be the subject of further study by experts and that the Brussels Treaty Permanent Committee (which has studied the matter) should be asked to make any useful documentation in its possession available to NATO.

4. The Working Group agreed that Article 8 of the draft Protocol in C-M (52) 30 should be amended by the addition of the words "and for their official and exclusive benefit" after "common defence" in line 5.

5. The Netherlands Representative explained to the Working Group certain reservations of his Government on Article 12. The Secretariat has since been informed that these reservations are withdrawn.

6. The Working Group endorses the recommendations of the

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1 C-R (52) 14, par. 19-26 (2 July 1952).
Standing Group set out in the Annex A to this Report regarding the application of the Protocol to the subordinate Headquarters of SACLANT. In fact, the Protocol will automatically apply to these Headquarters under Article 1(c), since they are all immediately subordinate to SACLANT. The Working Group also agrees with the Standing Group’s recommendation that the Protocol should not be applied to the NATO Defense College.

7. Accordingly, the Working Group recommends:
(a) that the Council should approve the draft Protocol in C-M (52) 30, with the amendment to Article 8 referred to in paragraph 4 above, and fix a date for signature;
(b) that on the date of the signature of the Protocol the Council should formally adopt the two resolutions at Annexes B and C to this Report;
(c) that the Protocol should not be applied to the NATO Defense College;
(d) that the drafting of appropriate instruments to extend the Status of Forces Agreement and the Protocol to cover the European Defense Force and its members should be put in hand; [and]
(e) that arrangements should be made for further study by experts of the question of exemption from income tax of the emoluments of the international staff of NATO and of NATO military Headquarters.

* * * * * * *

ANNEX B

Resolution on Application of the Protocol

The North Atlantic Council,

Having regard to paragraph 1 of Article 14 of the Protocol signed in Paris on the 28th August, 1952, on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, Decides that the Protocol shall apply to the following international military Headquarters in addition to those within the definitions in Article 1(b) and (c) of the Protocol:

Headquarters Allied Air Forces Northern Europe,
Headquarters Allied Naval Forces Northern Europe,
Headquarters Allied Land Forces Southern Europe,
Headquarters Allied Air Forces Southern Europe,
Headquarters Allied Naval Forces Southern Europe.

2 Adopted by the Council on 20 August 1952: C-R(52) 18, par. 7.
ANNEX C

Resolution on Implementation of the Protocol

The North Atlantic Council,

Considering that some provisions of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, can be implemented by administrative action without the necessity for legislation, and that such implementation would be useful in the period before the Protocol is ratified,

Recommend that signatory States should give effect to the Protocol provisionally, pending ratification, to the maximum extent possible.

ISM(52) 31

Draft Agreement between the United States and NATO on the Employment of United States Nationals by International Military Headquarters (19 November 1952)

Agreement between the Government of the United States and the North Atlantic Council concerning the Employment by International Headquarters of United States Nationals

Since the Government of the United States desires to enter into an arrangement with International Military Headquarters, to which the Protocol to the Agreement between the Parties to the North Atlantic Treaty on the Status of their Forces on International Military Headquarters Set Up pursuant to the North Atlantic Treaty, signed at Paris on August 20, 1952, applies, as provided in Article 7 of that Protocol, it is therefore agreed by the Government of the United States and the North Atlantic Council, acting on behalf of such Headquarters, as follows:

1. Whenever any International Military Headquarters desires the service of a United States national, it will notify the United States of: (A) the nature of the position to be filled, (B) the qualifications which an individual must possess to fill the position, and (C) the salary which such individual would receive if employed by the Headquarters. The Headquarters may notify the Government of the

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3 Adopted by the Council on 20 August 1952: C–R(52) 18, par. 8.

1 This Agreement is found attached to the Protocol on the Status of International Military Headquarters: 5 UST 870, TIAS 2978, 200 UNTS 340. Words enclosed in square brackets are found only in the final Agreement as signed, and not in the draft given in the International Staff Memorandum above.

2 This should read: August 28, 1952.
United States of the name(s) of any individual(s) it deems acceptable for the position.

2. The Government of the United States may assign to the Headquarters a United States national from its Government service who is acceptable to the Headquarters. The Government of the United States will provide security clearance for the individual concerned.

3. The Government of the United States will pay any and all salaries and emoluments of United States nationals, who are employed by it and assigned to the Headquarters concerned, from its own funds at rates determined by the Government of the United States.

4. International Military Headquarters will not pay any salaries and emoluments of any citizens of the United States.

5. The amounts of salaries and emoluments which International Military Headquarters would otherwise have paid United States nationals for each fiscal year will be deducted from the amount assessed the Government of the United States in respect of the contribution of the Government of the United States to such Headquarters for the subsequent fiscal year.

6. [This Agreement has been executed in two originals, one to be retained by the Government of the United States, and one to remain with the North Atlantic Treaty Organization.]

In witness whereof, This Agreement is executed at Paris on [this twenty-fifth day of February, 1953] by The Right Honorable The Lord Ismay, G.C.B., C.H., D.S.O., Secretary General of the North Atlantic Treaty Organization, on behalf of the North Atlantic Council, and William H. Draper, Jr., United States Permanent Representative to the North Atlantic Council, on behalf of the Government of the United States.

C-M(53) 62

Protocol on the Status of Allied Headquarters—Implementation of Article 8: Tax Exemption for SHAPE and Subordinate Headquarters (5 May 1953)

Note by the Secretary-General and Vice-Chairman

On 31 December 1952, the Chief of Staff, SHAPE, addressed a memorandum to the Secretary-General (Annex A), concerning the implementation of Article 8, paragraph 1, of the Protocol on the Status of International Military Headquarters.

After preliminary examination by the International Staff, this memorandum was submitted to the Military Budget Committee for examination and report. The report of the Military Budget Committee is attached (Annex B).
The Council is asked to approve the recommendations contained in paragraph 3(a), (b) and (c) of the Report at Annex B.

ANNEX A

Subject: Tax Exemption for SHAPE and Subordinate Headquarters

To: Secretary General
North Atlantic Treaty Organization
Palais de Chaillot,
Paris


1. Article 8, par. 1, of reference provides that Allied 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. This Article provided further that each party to the Protocol shall enter into negotiation with any Allied Headquarters operating on its territory for the purpose of concluding an agreement to give effect to this provision.

2. According to this provision, SHAPE took the responsibility of concluding an agreement with the French Government, covering also other Allied Headquarters located in France. As long as the negotiations relating to the Protocol on the Status of NATO Military Headquarters were still in course, the French Government could not accept the principle of a far-reaching exemption that might jeopardize the French position pending a decision. However, by letter dated 20 August 1952 (copy here attached), the French Government agreed that specific arrangements should be made for tax exemptions by administrative ways pending a formal bilateral agreement between SHAPE and the French Government.

3. As a result of this letter, a meeting was held on 9 September 1952 of SHAPE and French representatives to consider the matter. It was agreed that the answer of the French authorities would be forwarded to SHAPE. By letter dated 30 October 1952, the French Government agreed that SHAPE would enjoy exemption from the business turnover tax in the same way as was provided for in the case of expenditure in the interest of common defense under the Franco-American Agreement of 13 March and 13 June 1952. By letter dated December 1952, the French authorities further agreed that the exemption would be effective as of 1 November 1952. However, these letters pointed out that these privileges are subordinate to the condition that other Governments accept a clause of reciprocity, offering exemption for similar taxes to international Headquarters in other host countries.
4. The purchases of SHAPE being not limited to the host country, it would be necessary to conduct negotiations with all NATO countries with the additional requirement that all these agreements would have to be consistent with the reciprocity clause. Owing to political aspects of a reciprocal tax relief between France and other countries and also in view of the time which would be involved in negotiations, SHAPE does not consider itself in a position to undertake such negotiations.

5. It is deemed essential therefore that the suggested reciprocity clause be studied by a NATO committee of financial experts to recommend a practicable solution to implement Article 8 of the Protocol in all NATO countries.

6. Pending a solution, the practical agreements on the lines of the French letter dated 30 October 1952 will be made with the French authorities who have been requested, by letter, dated 20 December 1952, to call a joint meeting for this purpose.

For the Supreme Allied Commander Europe:

(Signed) Alfred M. Gruenther
General, U.S. Army
Chief of Staff

ANNEX B

Report of the NATO Military Budget Committee on Tax Exemption for International Military Headquarters

1. The Military Budget Committee has examined document AGO 732 of 31 December 1952 from Chief of Staff of SHAPE to the Secretary General on the application of Article 8 of the Protocol on the Status of NATO Headquarters, submitted with a memorandum dated 5 February 1953 by the Executive Secretary.

2. The Committee being aware of the several aspects to the problem of tax exemption for international military headquarters has undertaken its examination from a strictly budgetary point of view only.

3. On this basis the Committee submits the following recommendations:

(a) Expenses incurred by NATO Military Agencies on the territories of member States should be exempted from all taxes or fees whatsoever. This would result in a noticeable reduction in the size of the international budget.

(b) In view of the fact that local administrations in areas where international agencies are installed may have for that reason to incur expenses for roads, sewer systems, etc., which would
be out of proportion to their normal resources, local administrations may in such cases be reimbursed for such additional services. The nature and amount of such expenses should be determined by each agency after negotiation with the authorities concerned.

(c) Exemptions from fees and taxes should be effective as of the dates of creation of the various NATO Military Agencies. However, if there should be difficulties in the application of this rule, 1 November 1952 should be considered as the date on which, in any case, the said exemptions would take effect.

4. The Committee wishes to express its satisfaction with the results already obtained by SHAPE in regard to the agreement reached with the French Government and, also, to express its appreciation of the spirit of cooperation shown by that Government.

5. The Committee recommends that the Council invite SHAPE to continue the negotiations with all Governments concerned on the basis of the recommendations contained in paragraph 3 above.

(Signed) G. Roggen
Chairman
NATO Military Budget Committee

C–M(53) 74

Protocol on the Status of Allied Headquarters—Tax Exemption for Allied Military Headquarters and Organizations (10 June 1953)

Note by the Deputy Secretary-General

1. After considering C–M(53) 62 (Tax Exemption for SHAPE and Subordinate Headquarters) on 20 May, the Council agreed that a note should be prepared by the Secretariat explaining the position of Allied Military Headquarters in regard to tax exemption and indicating the action required to be taken by the Council in this matter.

2. Article 8 of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty states: “1. For the purpose of facilitating the establishment, construction, maintenance and operation of Allied Headquarters, these Headquarters shall be relieved, so far as practicable, from duties and taxes affecting expenditures by them in the interest of common defence and for their official and exclusive benefit, and each Party to the present Protocol shall enter into negotiations with any Allied Headquarters operating in its territory for the purpose of concluding an agreement to give effect to this provision.”
3. Article 1(c) of the Protocol defines "Allied Headquarters" as:
"Any Supreme Headquarters and any International Military Headquarters set up pursuant to the North Atlantic Treaty which is immediately subordinate to a Supreme Headquarters."

4. In addition, Article 14 of the Protocol states:
"The whole or any part of the present Protocol or of the Agreement may be applied, by decision of the North Atlantic Council, to any International Military Headquarters or Organisation (not included in the definitions in paragraphs (b) and (c) of Article 1 of this Protocol) which is established pursuant to the North Atlantic Treaty."

The Council, acting in accordance with the terms of Article 14, has already agreed that the Protocol should apply to Headquarters Allied Air Forces Northern Europe, Headquarters Allied Naval Forces Northern Europe, Headquarters Allied Land Forces Southern Europe, Headquarters Allied Air Forces Southern Europe, Headquarters Allied Naval Forces Southern Europe.

5. SHAPE and the French Government have prepared an Agreement covering the other Allied Headquarters located in France which allows these Headquarters exemption from most indirect taxes, particularly the business turnover tax and the so-called "transaction tax." It is expected that this Agreement will be effective as of 1 November 1952. However, two points in the Agreement await amplification; this is why it has not yet been signed.

Moreover, the French Government is reluctant to make a definite commitment respecting Allied Headquarters situated on its soil until it has received an assurance that other Governments will allow Allied Headquarters in their countries benefits similar to those which the French Government is prepared to grant, more particularly with respect to tax exemptions.

Nevertheless, out of courtesy, the French Government has decided to apply most of the provisions of the Agreement even before its signature. Thus, since 1 November 1952, SHAPE has enjoyed the tax exemptions specified in the Agreement.

6. In order to facilitate and expedite the negotiations of SHAPE and other Supreme Headquarters with member Governments on the question of the relief from duties and taxes affecting expenditures made by them in the interests of common defense, the Council is invited:

(a) to impress upon member Governments the importance, from the point of view of international budgets, of not imposing any taxes or duties on expenditures made in the interest of
common defense and, consequently, to recommend member Governments to grant to international military Headquarters exemption from taxes and duties to the widest possible extent. This principle should apply both to expenditures in the country where the Headquarters in question is located and to expenditures by such Headquarters in other member countries.

(b) to note with satisfaction the progress of the negotiations made between the French Government and SHAPE, which negotiations were based on the existing tax exemption agreement between the French and United States Governments, and to draw the attention of member Governments to the fact that the French Government has already exempted SHAPE expenditures from the business turnover tax since 1 November 1952. The French Government, however, will continue to extend this privilege to SHAPE only if other Governments give international military Headquarters situated in other host countries tax exemption under similar conditions.

(c) to emphasize the desirability of ensuring that agreements arrived at between member Governments and international military Headquarters on tax relief on expenditures for common defense should provide for a comprehensive system of tax exemption and, as far as possible, cover the equivalent taxes and duties.

(d) to ask allied military commanders, responsible for negotiations with host Governments on tax exemptions, to keep the following considerations in mind:

(i) exemptions from duties and taxes should be effective as of the dates of creation of the various NATO International Military Headquarters. However, if there should be difficulties in the application of this rule, 1 November 1952 should be considered as the date on which the said exemptions would take effect.

(ii) in view of the fact that local administrations in areas where allied headquarters are installed may have for that reason to incur expenses for roads, sewer systems, etc., which would be out of proportion to their normal resources, local administrations may in such cases be reimbursed for such additional services. The nature and amount of such expenses should be determined by each allied headquarters after negotiation with the authorities concerned.