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HEADQUARTERS

UNITED NATIONS COMMAND/ROK-US COMBINED FORCES COMMAND

유엔군사령부/한미연합군사령부

AND

및

HEADQUARTERS

UNITED STATES FORCES KOREA/EIGHTH UNITED STATES ARMY

주한미군/미 8군사령부

APO SAN FRANCISCO 96301

군우 샌프란시스코 96301

MEMORANDUM

각서

NUMBER 550-51

번호 550-51

9 June 1980

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FOREIGN COUNTRIES AND NATIONALS

외국 및 외국인

Administrative Processing of International Agreements Involving

한/미 연합군사령부를 포함한

Headquarters, ROK/US Combined Forces Command

국제협정의 행정절차

HEADQUARTERS
UNITED NATIONS COMMAND/ROK-US COMBINED FORCES COMMAND
AND
HEADQUARTERS
UNITED STATES FORCES KOREA/EIGHTH UNITED STATES ARMY
APO SAN FRANCISCO 96301

MEMORANDUM
NUMBER 550-51

9 June 1980

FOREIGN COUNTRIES AND NATIONALS
Administrative Processing of International Agreements Involving
Headquarters, ROK-US Combined Forces Command

1. Purpose. This memorandum establishes administrative procedures for initiation, development, negotiation, and implementation of international agreements involving Headquarters, ROK-US Combined Forces Command (HQ, CFC) as more than an incidental beneficiary.

2. Scope. This memorandum is applicable to all personnel assigned to HQ, United States Forces, Korea (USFK), and to HQ, CFC when they are engaged in any aspect of the initiation, development, negotiation, and implementation of any international agreement involving HQ, CFC as more than an incidental beneficiary. It is not applicable to personnel assigned to HQ, United Nations Command.

3. Explanation of Terms. Within the context, purpose, and scope of this memorandum, the words and phrases at Appendix A will be considered to have the meanings shown.

4. Policy. a. Administrative processing of international agreements covered by this memorandum will comply with the procedures and references contained herein.

b. Any reasonable doubt as to whether actions contemplated would constitute an international agreement will be referred jointly to the Judge Advocate and the ACofS, Comptroller, HQ, USFK/EUSA for a determination and further instructions.

c. Renegotiation of, or amendments to, existing international agreements will be accomplished in accordance with (IAW) administrative procedures established herein.

d. Objectives of the administrative procedures as outlined are to reduce the number of international agreements through combination of, or amendments to, existing agreements; to provide expeditious processing of agreements; to insure that agreements as negotiated meet the requirements within USFK capabilities; to provide agreements consistent with requirements of both the United States (US) and the Republic of Korea (ROK); and to assure consistency of format among all such agreements, as provided for at Appendix B.

e. Authority vested in USFK as a principal to negotiate and conclude international agreements under this memorandum will be IAW provisions of USFK/EA Reg 550-51, paragraph 6. This provision applies irrespective of the role of USFK in an agreement.

f. When HQ, CFC is a principal party to an international agreement under this memorandum, HQ, CFC as an international organization may negotiate and sign such agreements on behalf of CFC, subject to other policy provisions in this paragraph.

5. Responsibilities. Appendixes C and D list the responsibilities of USFK and CFC officials and agencies in preparing CFC-related international agreements. Although the processes of preparing, negotiating, and concluding agreements differ somewhat according to the category of each agreement (paragraph 6, below) the responsibilities within HQ, USFK and within HQ, CFC for all categories of agreements are substantially the same.

a. Appendix C establishes the responsibilities of the following USFK entities: staff elements, the Chief of Staff, proponents, steering groups, working group leaders, working groups, and the ACofS, Comptroller.

b. Appendix D lists the responsibilities of the following HQ, CFC entities: staff elements, the Chief of Staff, proponents, the Judge Advocate, and the ACofS, C5.

6. Procedures. Appendixes E through G enumerate procedures for preparing, negotiating, and concluding international agreements which involve HQ, CFC. The procedures vary according to roles of USFK, CFC, and Republic of Korea Government (ROKG) in each such agreement. The international agreements covered under this memorandum, and the procedures for each, are divided into the following three categories:

a. Agreements between HQ, USFK and the ROKG for support to HQ, CFC. For all agreements in this category, USFK and ROKG are the principals and CFC is the beneficiary (see also Appendix A). Procedures governing preparation, negotiation, and conclusion of agreements in this category are depicted and described at Appendix E.

b. Agreements between HQ, USFK and HQ, CFC. For all agreements in this category, HQ, USFK and HQ, CFC are principals. Procedures governing preparation, negotiation, and conclusion of agreements in this category are depicted and described at Appendix F.

c. Agreements between HQ, CFC and the ROKG. For all agreements in this category, HQ, CFC and the ROKG are principals. Procedures for these agreements are depicted and described at Appendix G.

7. References. a. DODD 2050.1 (Delegated Approval Authority to Negotiate and Conclude International Agreements), 6 Jul 77.

b. DODD 5530.3 (International Agreements), 3 Nov 76.

c. JCS Memo of Policy (MOP 179) (International Agreements), 1 Aug 77.

d. JCS Memo of Policy (MOP) 112 (Military Telecommunications Agreements Between the United States and Regional Defense Organizations or Friendly Foreign Nations), 13 Feb 78.

e. CINCPACINST 5711.6 (Negotiation and Conclusion of International Agreements), 1 Nov 77.

f. AR 340-15 (Office Management - Preparing Correspondence).

g. AR 550-51 (Foreign Countries and Nationals - Authority and Responsibility for Negotiating, Concluding, Forwarding, and Depositing of International Agreements).

h. USFK/EA Reg 550-51 (Foreign Countries and Nationals - International Agreements).

The office of primary interest for this joint publication is the ACofS, Comptroller, USFK/EUSA. Users are invited to send comments and suggest improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the CDR, USFK/EUSA, ATTN: GCJ-PB, APO 96301.

FOR THE COMMANDER IN CHIEF, UNC/CFC AND THE COMMANDER, USFK/EUSA:

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- 7 Appendixes
- A. Glossary of Terms
 - B. Basic Provisions of MOA
 - C. Responsibilities, HQ, USFK/EUSA
 - D. Responsibilities, HQ, CFC
 - E. Procedures, USFK & ROKG Principals
 - F. Procedures, USFK & CFC Principals
 - G. Procedures, CFC & ROKG Principals

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GLOSSARY OF TERMS GOVERNING PREPARATION OF CFC-RELATED INTERNATIONAL AGREEMENTS

1. Steering Committee - Staff principals and/or deputies designated to oversee the development, negotiation, and conclusion of an international agreement.
2. Working Group - Action officers, normally below the level of staff section chief/deputy, representing various staff sections and formed for the express purpose of developing, negotiating, and concluding an international agreement.
3. Working Group Leader - An individual appointed by the Chief of Staff to be in charge of the Working Group and be responsible for development and negotiation of an international agreement involving HQs, CFC.
4. Requirement - A written request for services, material, or for tangible or intangible relationships. The request must contain the specifics of the amount, quantity, type, value, and similar characteristics of the support to be provided.
5. International Agreement - Memorandum of Agreement (MOA), Memorandum of Understanding (MOU), and any other form of agreement between (1) USFK and the ROKG for the benefit of CFC, (2) USFK and CFC, or (3) CFC and the ROKG.
6. Principal - That organization or country which is primarily liable for performance of an obligation (e.g., money, material, or services) IAW an international agreement to which the organization or country is a signatory.
7. Beneficiary - That organization receiving support from another organization(s) or country (ies) IAW an international agreement to which the receiving organization is not a signatory.

BASIC PROVISIONS OF A MOA/MOU

Each MOA/MOU negotiated and concluded by this command will include, as appropriate, the following categories:

1. Purpose
2. Authorities
3. Problem
4. Scope
5. Agreements, Support, and Resource Requirements
6. Funding
7. Benefits
8. Claims and Disagreements
9. Review and Modification
10. English and Foreign Language Governing Provisions
11. Effective Date and Duration
12. ROK-US Joint SOFA Committee Approval
13. Self-executing Provisions
14. Foreign Military Sales Clauses

RESPONSIBILITIES OF HQ, USFK/EUSA OFFICIALS AND AGENCIES
IN PREPARING CFC-RELATED INTERNATIONAL AGREEMENTS

1. General. The responsibilities assigned below to USFK/EUSA elements apply in the case of all international agreements in which the US will be a principal or a beneficiary. These cases include:

a. Agreements in which USFK and ROKG are the principals and CFC is the beneficiary; and,

b. Agreements between USFK and CFC in which USFK and CFC are the principals.

2. Chiefs/deputies of USFK/EUSA staff sections or agencies are responsible for:

a. Immediately notifying the ACofS, Comptroller upon identification of a requirement for either a new international agreement or renegotiation of an existing agreement.

b. Ensuring that no further action is undertaken within their sections or agencies until instructions are received from ACofS, Comptroller.

c. Participating as steering committee members and providing working group members when required.

d. Complying with provisions of this memorandum, references thereto, and administrative instructions provided by the ACofS, Comptroller during initiation, development, negotiation, and conclusion of international agreements in support of HQ, CFC.

3. Chief of Staff, USFK/EUSA is responsible for:

a. Designating, through the ACofS, Comptroller, staff/agency proponents responsible for investigating requirements which may necessitate negotiation and conclusion of international agreements.

b. Appointing steering committees and working groups as warranted by staff/agency proponents' recommendations.

c. Submitting proposed agreements which involve the ROKG as a principal to Ministry of National Defense (MND) for review, negotiation, modification, and approval.

d. Directing coordination with CINCPAC, JCS, and/or MND when required.

e. Acting as USFK/EUSA signatory for international agreements involving HQ, CFC, IAW paragraph 6, USFK/EA Reg 550-51.

4. Designated USFK/EUSA staff/agency proponents, as appropriate, are responsible for:

a. Determining possible US need for, and benefits to be derived from, proposed international agreements.

b. Assessing the extent of the USFK/EUSA ability to provide the required support.

c. Developing working groups' objectives, including, as required, any responsibilities and requirements to be delineated in proposed agreements.

d. Developing tasking directives to be signed by the USFK/EUSA Chief of Staff for establishing working group objectives.

e. Ensuring that agreements are negotiated in compliance with the provisions of this memorandum.

- f. Ensuring that agreements negotiated contain all required provisions of Appendix B.
 - g. Preparing in typewritten form all working drafts and final MOA/MOU for signature.
 - h. Securing approvals/concurrences from US agencies outside of USFK as appropriate.
5. USFK/EUSA steering committees are responsible for:
- a. Overseeing the working groups' development and negotiation of international agreements.
 - b. Ensuring that working groups' actions and recommendations are consistent with US Government and USFK/EUSA interests and objectives.
 - c. Providing guidance in cases of conflict or disagreement surfaced either within working groups or during negotiations.
 - d. Approving working group negotiating positions.
6. USFK/EUSA working group leaders are responsible for:
- a. Directing efforts of assigned working groups.
 - b. Obtaining outside expertise when required.
 - c. Requesting steering committee assistance when matters cannot be resolved by direct coordination.
 - d. Ensuring that CFC staff proponents review requirement statements for accuracy during the development process.
 - e. Submitting proposed agreements to the Chief of Staff, USFK/EUSA after coordination with appropriate USFK staff sections and agencies.
7. USFK/EUSA working groups are responsible for:
- a. Developing proposed agreements that are both comprehensive and coordinated.
 - b. Ensuring that proposed agreements contain all required provisions listed in Appendix B.
 - c. Coordinating proposed agreements in which the US is either a principal or a beneficiary with appropriate CFC and USFK staff sections and agencies.
 - d. Selecting a single member of the group to serve as negotiator on behalf of USFK/EUSA.
8. USFK/EUSA ACofS, Comptroller is responsible for:
- a. Providing administrative oversight for processing of international agreements involving HQ, CFC.
 - b. Ensuring, in coordination with JAJ, that all agreements comply with US legal statutes and fiscal regulations.
 - c. Ensuring that for all agreements proper staff coordination and necessary fiscal, legal, and higher headquarters approvals are obtained prior to conclusion.
 - d. Acting as primary USFK/EUSA point of contact (POC) for all international agreements involving HQ, CFC.
 - e. Providing a member to serve on every working group for agreements which involves the US as either a principal or a beneficiary.

RESPONSIBILITIES OF HQ, CFC OFFICIALS AND AGENCIES
IN PREPARING CFC-RELATED INTERNATIONAL AGREEMENT

1. General. The responsibilities assigned below to CFC elements apply in the case of all international agreements in which HQ, CFC will be a principal or a beneficiary. These cases include:

- a. Agreements in which CFC is the beneficiary and either USFK or ROKG or both are principals; and,
- b. Agreements between CFC and either USFK or ROKG, and to which CFC is a principal.

2. Chiefs/deputies of HQ, CFC staff sections or agencies are responsible for:

- a. Immediately notifying HQ, CFC upon identification of a requirement for either a new international agreement or renegotiation of an existing agreement.
- b. Refraining from further action except as authorized in this memorandum and references thereto.
- c. Participating as members of steering committees and providing members to working groups as required.
- d. Complying with provisions of this memorandum, references thereto, and administrative instructions provided by the CFC/JA during initiation, development, negotiation, and conclusion of international agreements involving HQ, CFC.

3. Chief of Staff of CFC is responsible for:

- a. Designating a CFC proponent for each requirement to participate in the development of agreements.
- b. Directing coordination with US and ROK Government agencies as required.
- c. Approving all new requirements and revisions to existing requirements before they are provided to activities outside of the HQ, CFC.
- d. Acting as exclusive HQ, CFC signatory for all agreements in which HQ, CFC is a principal.

4. Designated CFC staff proponents are responsible for:

- a. Defining requirements, to include all resources needed and benefits to accrue to HQ, CFC and the supporting governments.
- b. Assisting counterpart USFK staff proponents in clarifying requirements and in reviewing proposed agreements which involve the US as a principal or a beneficiary.
- c. Ensuring that requirements submitted receive necessary CFC approval.
- d. Ensuring that requirement statements are specific as to quantities, amounts, type, and similar characteristics of support required.

5. CFC Staff Judge Advocate is responsible for:

- a. Acting as the POC for HQ, CFC on all matters pertaining to international agreements affecting HQ, CFC and, as such, managing the processing of all such agreements within HQ, CFC.
- b. Receiving all requirements for international agreements involving HQ, CFC.

c. As appropriate, recommending designation of the following to the Chief of Staff, CFC, for the purpose of evaluating requirements:

- (1) CFC staff proponents
- (2) CFC working group membership
- (3) CFC working group leaders
- (4) CFC steering committee membership

d. Coordinating all international agreements through the ACoS, C5 for policy, command relations, and financial and resource management implications.

e. Effecting coordination with other HQ, CFC activities as appropriate.

f. Preparing recommendations on ROK legal questions as necessary.

g. Ensuring that CFC developed requirements receive necessary CFC approvals.

h. Maintaining coordination with designated representatives of the ROK and/or US Governments as necessary to advance the purpose and scope of this memorandum. When, in the CFC Judge Advocate's opinion, such action is necessary, the staff proponent and members of appointed steering and/or working groups will reconvene to address questions which arise from sources external to HQ, CFC.

i. Providing a member to serve on all CFC working groups.

6. ACoS, C5, HQ, CFC is responsible for:

a. Guiding the preparation of, and approving, funding annexes.

b. Providing staff supervision on policy, command relationships, and financial and resource management implications.

c. Providing a member to serve on all CFC working groups.

PROCEDURES, USFK AND ROKG PRINCIPALS, CFC BENEFICIARY

1. General. This appendix, including the illustration at Figure 1, describes the process of preparing, negotiating, and concluding agreements between USFK and ROKG (the principals for support to HQ, CFC (the beneficiary)). Numbers in parentheses throughout the text denote steps in the process, as depicted in the accompanying diagram.

2. Overview. The system for developing MOA/MOUs in support of HQ, CFC consists of the following major phases:

a. Phase I. Identification (by CFC, ROKG, or USFK) of a need for support of HQ, CFC.

b. Phase II. Development and validation (by HQ, CFC) of a statement of requirements to satisfy the identified need.

c. Phase III. Assessment (by HQ, USFK) of: the extent of USFK's ability to support and fund the requirement; the US need for and benefit to be derived from the project; the pro-rata share of total costs to be borne by the US; compliance with applicable regulations; and the need for higher approval authority.

d. Phase IV. Negotiation (by ROKG and USFK) of the amounts and percentages of support to be provided by the ROK and US Governments.

e. Phase V. Conclusion (by USFK, upon receipt of CINCPAC or JCS approval as required) of the formal international agreement.

3. Phase I. Identification of Need. Any organization or staff agency of the ROKG, USFK, or CFC may identify a need for support in conjunction with HQ, CFC activities. When such a need is identified (1), the originator will forward the request for support to CFC, ATTN: CFJA. A USFK originator will also notify the ACofS, Comptroller, HQ, USFK/EUSA, of the identification of a need for support.

4. Phase II. Processing by HQ, CFC. The CFC Staff Judge Advocate (2) will act as the POC for CFC on MOA/MOU matters. CFC will verify the need for support (3) in the particular area of concern. If support is required by CFC, then CFC will develop a position (4) on the requirements necessary to satisfy the need. The CFC requirements (6) will include technical specification of equipment needed, the number of each item of equipment, the type of services required expressed in quantifiable terms, the number of additional personnel by type as applicable, and all similar information which is available. A funding annex (5) will accompany each requirement. The funding annex will reflect the entire cost of the support requirement. When the requirement portion is completed and approved by the Chief of Staff, CFC (7), the requirements statement (8) will be forwarded to the ACofS, Comptroller, HQ, USFK/EUSA (9).

5. Phase III. Processing by USFK, with ROKG. a. The ACofS, Comptroller, HQ, USFK/EUSA, will establish contact with the ROKG POC, who will usually be within the MND (10). A determination will be made (11) as to whether or not the requirement can be satisfied under the provision of an existing MOA/MOU. If so, the requirement will be returned to the originator (12) with instructions. If a new MOA/MOU is required, the ACofS, Comptroller, HQ, USFK/EUSA, will act for the Chief of Staff to designate the USFK staff proponent (13). If more than one staff element has primary concern (14), a steering group (15) will be established by the Chief of Staff, USFK/EUSA, who will also appoint a working group (16) to carry out negotiations.

b. In this phase, USFK assesses its own ability to provide the required support; identifies the estimated costs and benefits to the US of providing part or all of the support; determines regulatory requirements which must be satisfied; and identifies the authority from which approval must be obtained prior to negotiation or conclusion of an agreement.

c. Contact with elements in this phase by the ACofS, Comptroller, HQ, USFK/EUSA, establishes liaison and coordination at the proper point(s). Review and negotiation with the ROKG POCs are the USFK proponents' responsibilities.

6. Phase IV. Negotiation of Agreement. a. If special negotiations are needed (17), the ACofS, Comptroller, HQ, USFK/EUSA, will act as the administrative overseer of the USFK--only portion of the negotiation process in the capacity of the POC to ensure progression of the requirements review (18) in an orderly manner. ACofS, Comptroller, HQ, USFK/EUSA, as the POC will also call meetings; advise the SOFA Secretariat (19) and the Chief of Staff, USFK/EUSA on progress; and serve as the information clearinghouse regarding the status of negotiations.

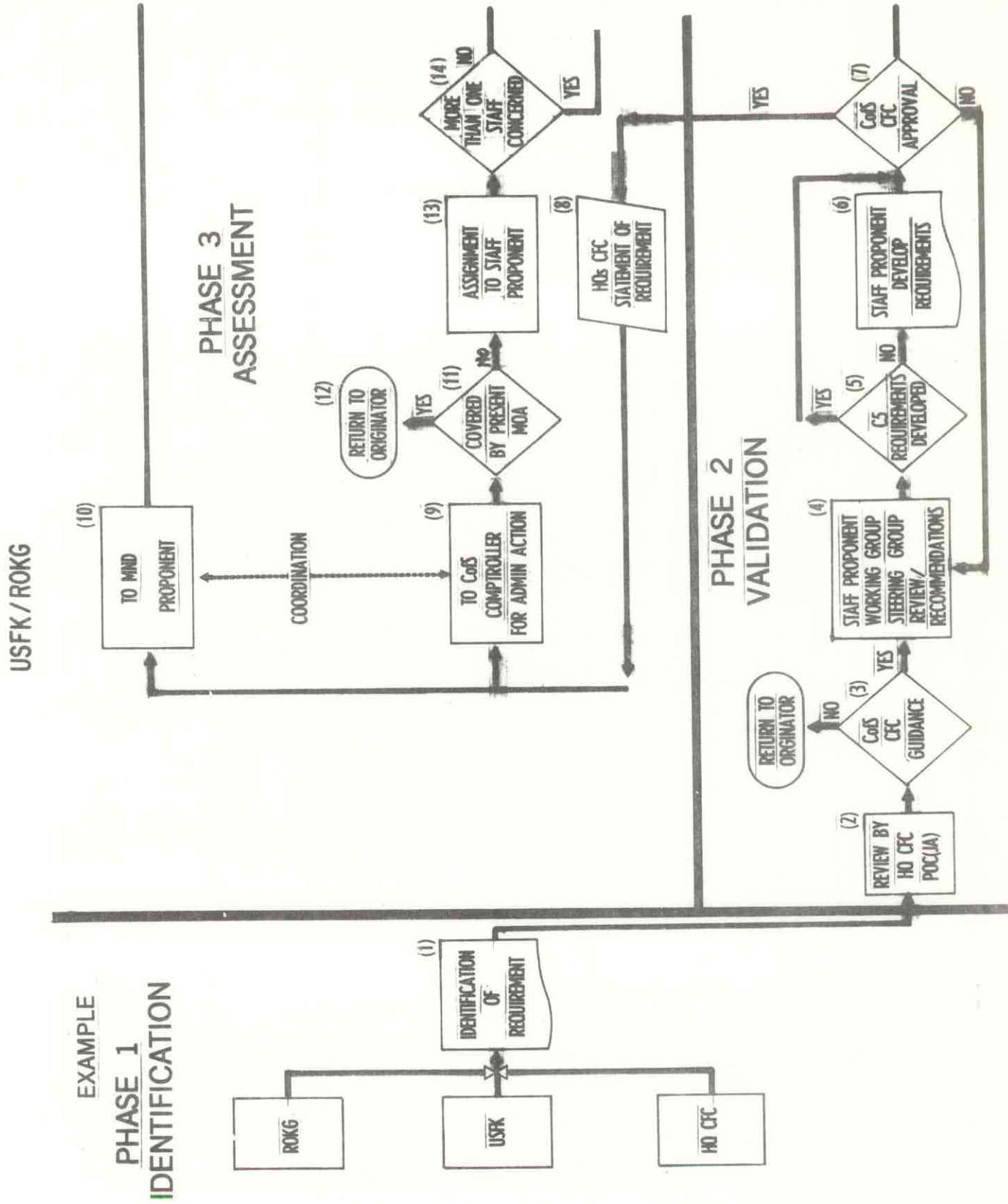
b. Representatives of USFK (directed by the negotiator selected by the USFK working group) develop a draft agreement (20) with counterpart officials of ROKG. During this process the working group members will coordinate as needed with CFC representatives to ensure that all aspects of the stated requirement will be satisfied.

c. The formal negotiation process (21) normally consists of successive revisions, separate ROK and US reviews, and accommodations until both nations agree to the format, content, and intent of the draft agreement. CFC may observe negotiations to ensure that the agreement, as negotiated, will satisfy its requirements.

d. The result of the negotiations is a candidate agreement (22) in essentially final form, ready for the conclusion phase.

7. Phase V. Conclusion of Agreement. a. The candidate agreement is submitted to the Chief of Staff, USFK/EUSA, (23), for approval or additional guidance if it involves more than one USFK staff agency; otherwise, the proponent may approve the candidate agreement or provide additional guidance. If approval by CINCPAC or JCS is required, the candidate agreement is presented to the SOFA Joint Committee (25) for formal ratification. If ratification under SOFA is not required or not appropriate, or after it has been obtained, the Chief of Staff, USFK/EUSA, and an appropriate ROKG official sign (26) the agreement.

b. Comptroller (27) then makes a final report to the Chief of Staff, USFK/EUSA, (28) and distributes copies of the concluded agreement (29) IAW applicable directives. The process is then complete.

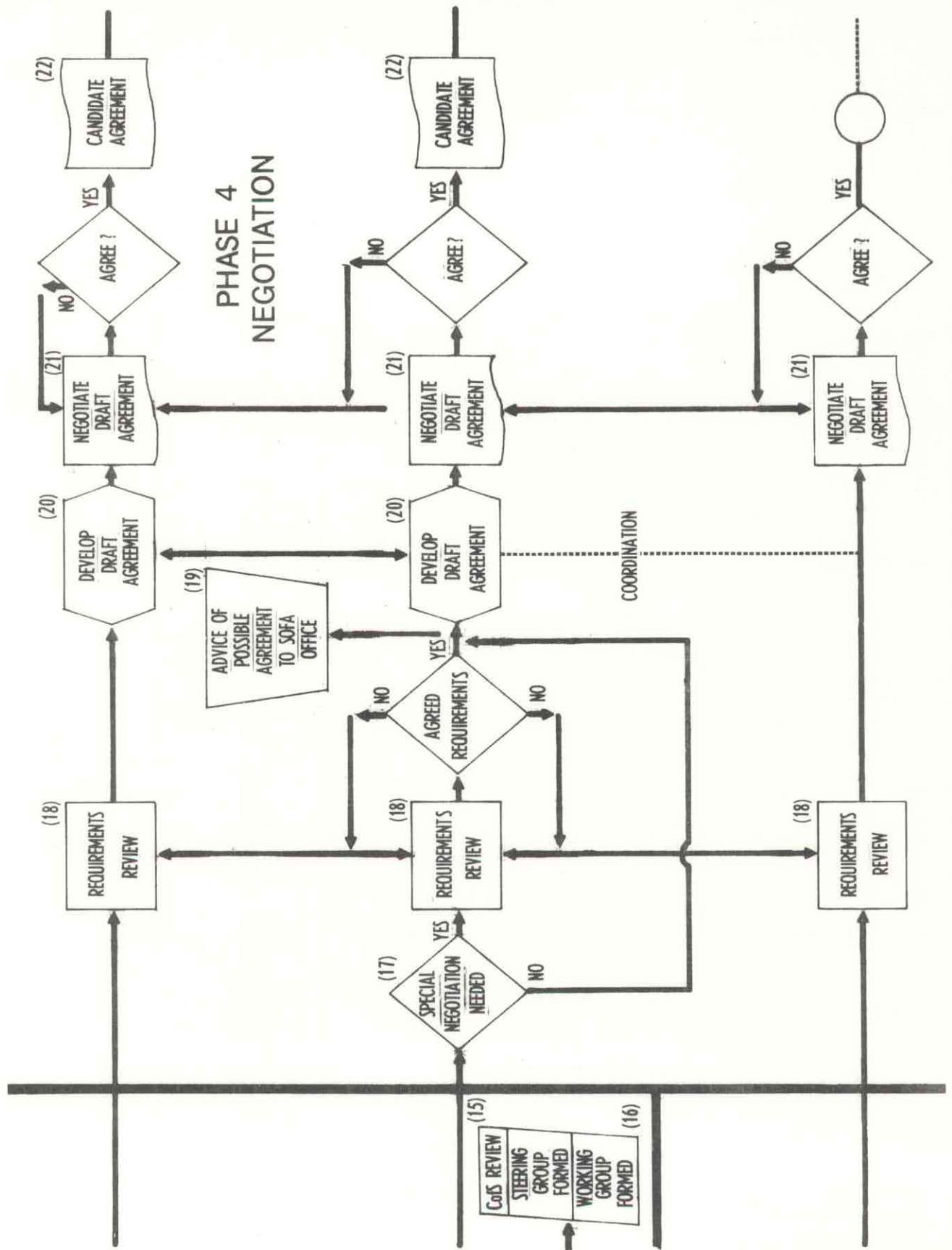


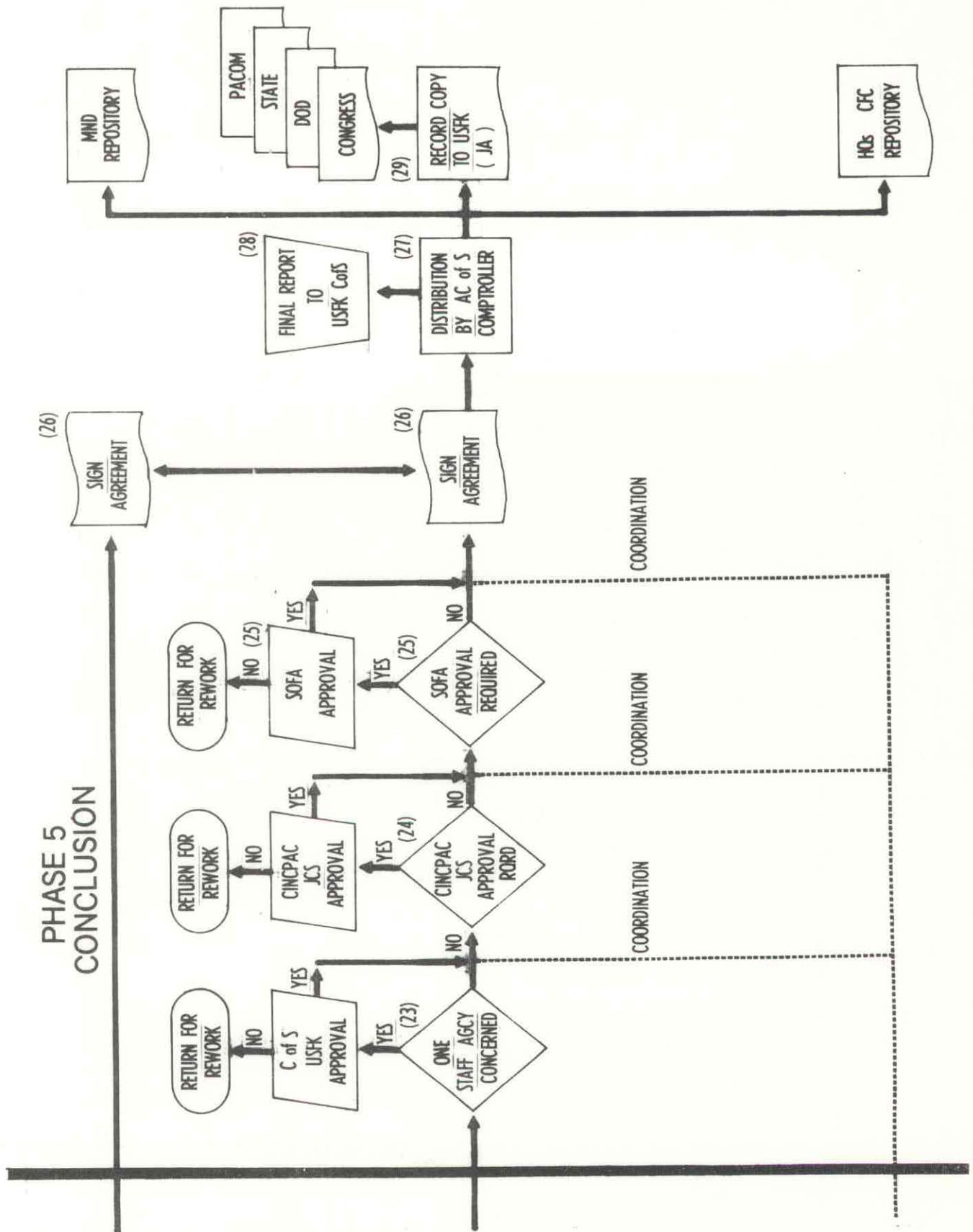
EXAMPLE
 PHASE 1
 IDENTIFICATION

USFK / ROKG

Figure 1 (1)
 3

The pages of this appendix (Figure 1(1) through 1(3)) are designed to be attached end to end in order to provide a continuous diagram of the process.





PROCEDURES, USFK AND CFC BOTH PRINCIPALS

1. General. This appendix, including the illustration at Figure 1, describes the process of preparing, negotiating, and concluding agreements between HQ, USFK and HQ, CFC in which both act as principals. Numbers in parentheses throughout the text denote steps in the process as depicted in the accompanying diagram.

2. Overview. The system for developing MOA/MOUs between USFK and CFC, in which CFC and USFK are principals, consists of the following major phases.

a. Phase I. Identification (by CFC, ROKG, or USFK) of a need for support.

b. Phase II. Development and validation (by HQ, USFK and/or HQ, CFC) of a statement(s) of requirements to satisfy the identified need(s).

c. Phase III. Assessment (by HQ, CFC and/or HQ, USFK) of their respective abilities to support and fund the requirement(s); plus USFK assessment of compliance with applicable regulations or need for higher authority approval.

d. Phase IV. Negotiation (by CFC and USFK), as required, of the nature, extent, and process of support and compensation.

e. Phase V. Conclusion (by CFC and USFK, with CINCPAC, or JCS approval as required) of the formal international agreement.

3. Phase I. Identification of Need. Any organization or staff agency of CFC, the ROKG, or USFK may identify a need for support (1) to be provided. When such a need is identified, the originator will forward the request for support to Commander, USFK/EUSA, ATTN: GCJ-PB (2).

4. Phase II. Processing by HQ, USFK. a. The ACofS, Comptroller, HQ, USFK/EUSA will act as the POC for USFK on matters involving this category of agreements. USFK will verify the need for support from CFC (3) in the particular area of concern. If such support is required by USFK, and that support is most appropriately or most effectively provided by CFC, then the ACofS, Comptroller, HQ, USFK/EUSA will determine whether the requirement can be satisfied under provisions of an existing agreement (4). If so, the requirement will be returned to the originator with instructions (5).

b. If a new agreement is required or an old one can be amended, the ACofS, Comptroller, HQ, USFK/EUSA will act for the Chief of Staff to designate the USFK staff proponent (6). If more than one staff element has primary concern, Chief of Staff, USFK/EUSA will establish a steering group and appoint a working group (8) to detail the requirement and carry out negotiations.

c. The working group will develop and staff a USFK position on the requirements necessary to satisfy the need. The requirements will include technical specification of equipment needed, the number of each item of equipment, type of services required expressed in quantifiable terms, number of additional personnel by type as applicable, and all similar information which is available. A funding annex will accompany each support requirement and will reflect the entire cost to CFC of the requirement. When the requirement portion (10) is complete (9) and is approved by the Chief of Staff, USFK/EUSA (11), the requirements statement will be forwarded to the CFC Judge Advocate (CFJA) (12).

5. Phase III. Processing by CFC. The CFC Judge Advocate (CFJA) will act as the POC on matters regarding agreements in this category. CFC will assess its ability to provide support in the particular area of concern. If the support can be provided by CFC, then CFC will validate the cost of the support and will develop a position (13) regarding proposed compensation from USFK. If compensation is expressed in the form of requirements (as the term is used in this memorandum), the requirements (14) will be expressed in the same manner as for an agreement in which CFC would be the sole beneficiary (Appendix E). Once the Chief of Staff, CFC approves the requirement and CFC Staff proposal (15), negotiation proceeds between CFC and USFK.

6. Phase IV. Negotiation of Agreement. The ACofS, Comptroller, HQ, USFK/EUSA and CFC JA will jointly act as POCs for the negotiations. The ACofS, Comptroller, HQ, USFK/EUSA will serve as administrative overseer of the USFK-only portion of the negotiation process and will ensure orderly progression of the requirements development and review (16). The CFC C5 will perform a similar role in development and review of requirements within HQ, CFC (17). Working groups of both commands may elect to meet separately or jointly, as preference and needs dictate (18), in the process of developing (19) and negotiating (20) an agreement which will satisfy all requirements (21). The result of the CFC/USFK negotiations is a candidate agreement (22) in essentially final form, ready for the conclusion phase.

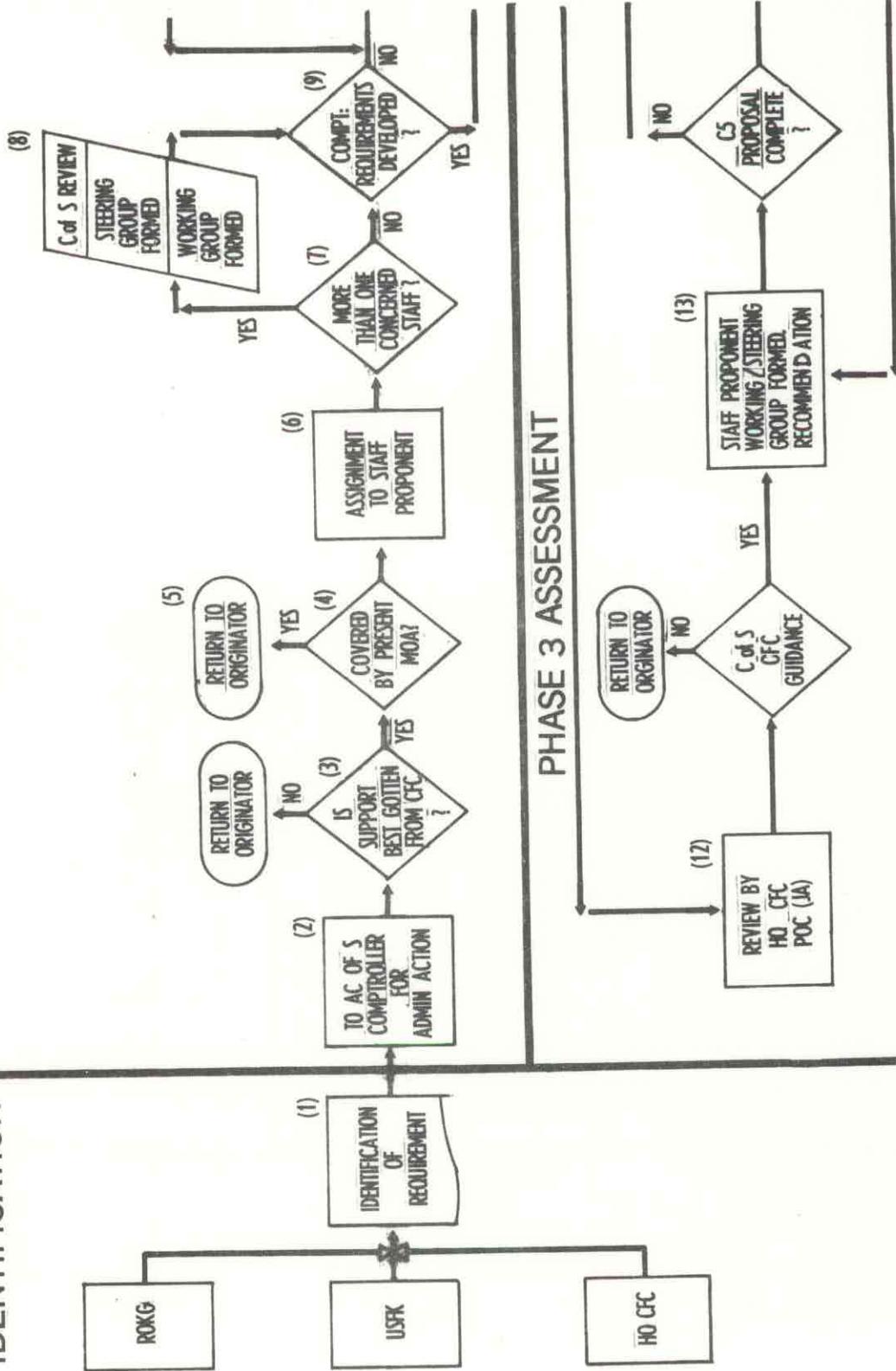
7. Phase V. Conclusion of Agreement. a. The candidate agreement is submitted to the USFK Chief of Staff (23) for approval or additional guidance if more than one USFK staff agency has been concerned; otherwise, the proponent may approve the candidate agreement or provide additional guidance. If approval by CINCPAC or JCS is required, the candidate agreement is forwarded (24) to the proper approving authority. If such approval is not needed, or when it is obtained, the candidate agreement is presented to the SOFA Joint Committee for formal ratification. If ratification under SOFA is not required or not appropriate, or after it has been obtained, the Chief of Staff, USFK/EUSA and an appropriate CFC official sign (26) the agreement.

b. ACofS, Comptroller, HQ, USFK/EUSA (27), then makes a final report to the CofS, USFK/EUSA (28) and distributes copies of the concluded agreement (29) IAW applicable directives. The process is then completed.

USFK/CFC

PHASE 2
 VALIDATION

PHASE 1
 IDENTIFICATION

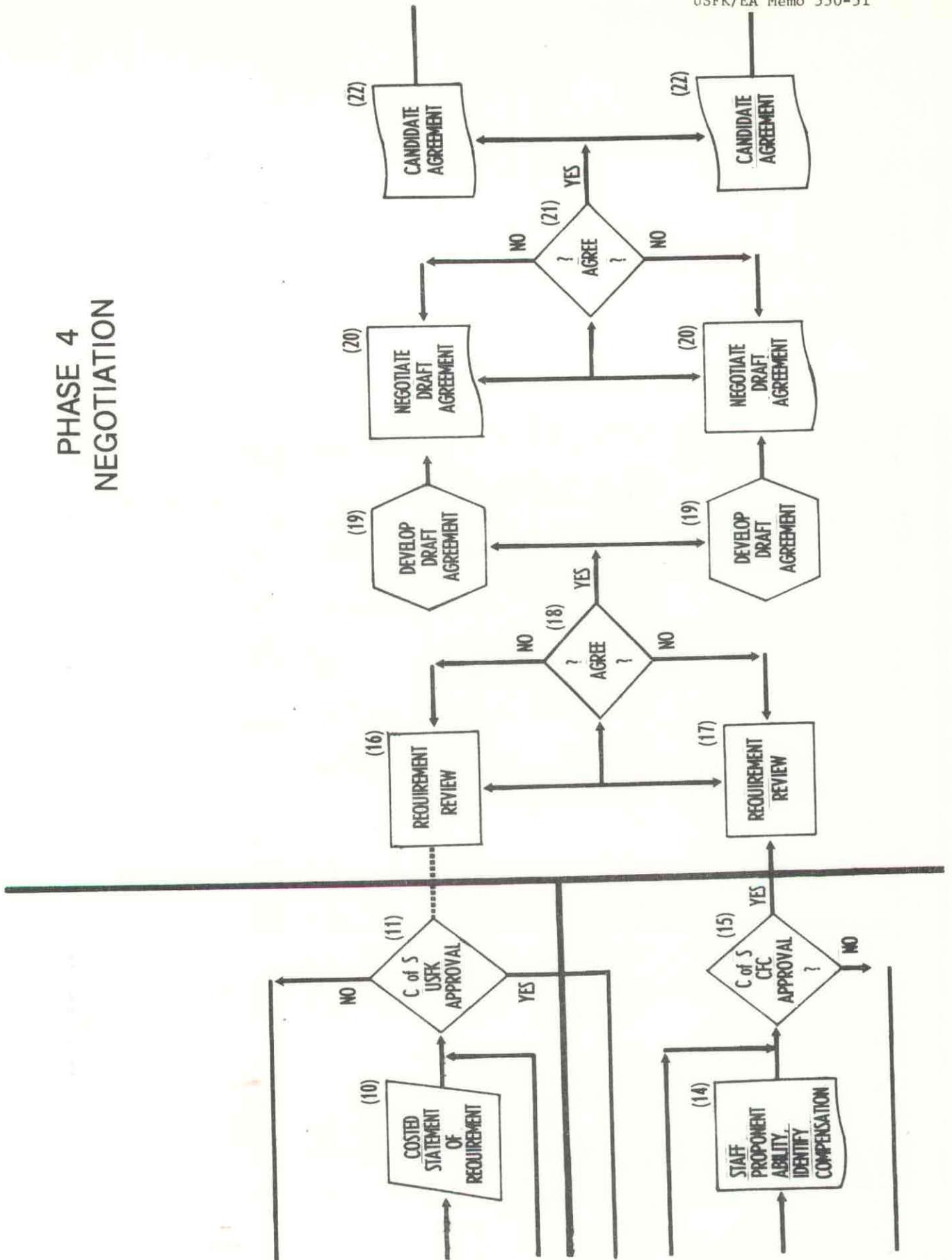


Appendix F

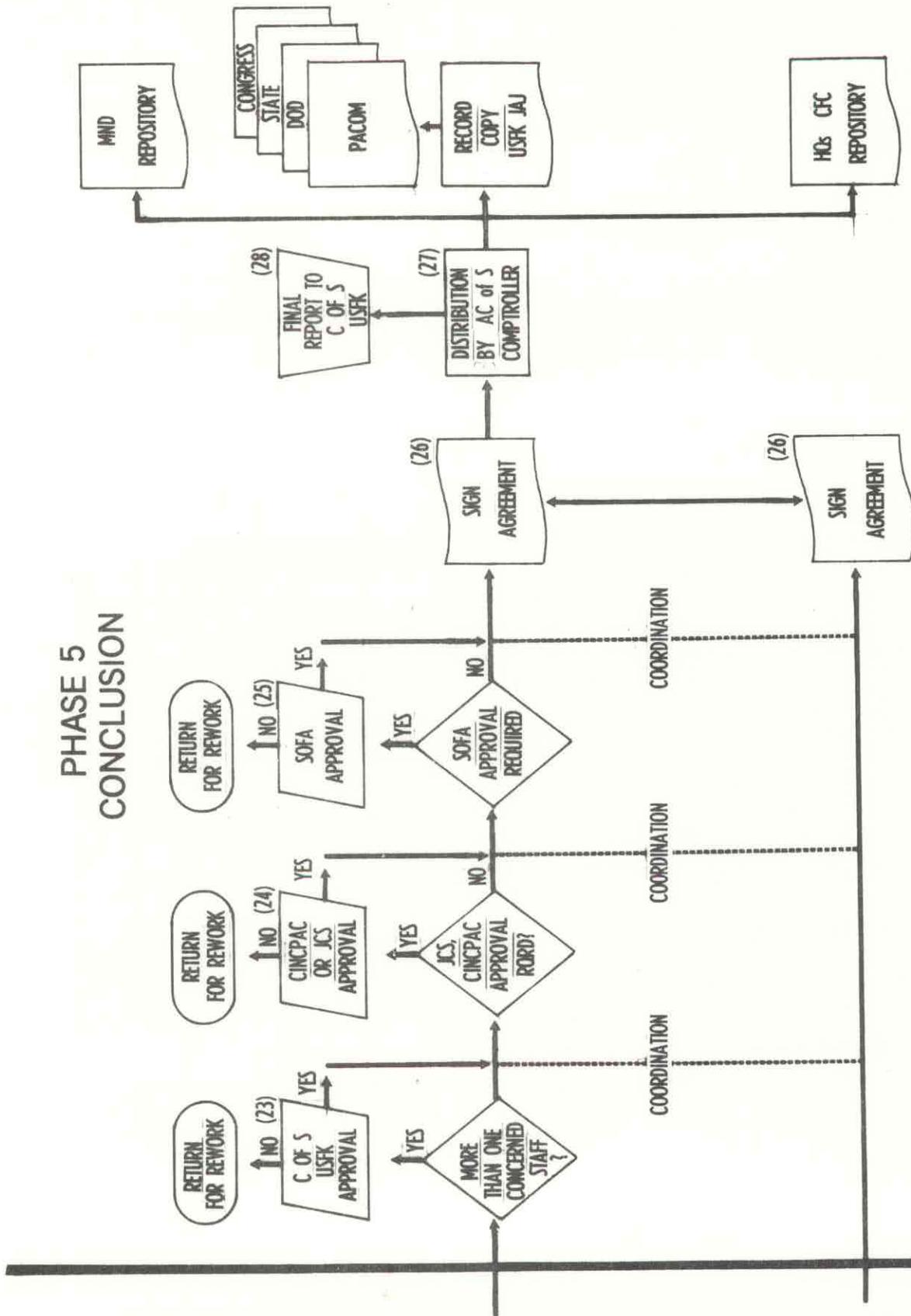
Figure 1 (1)
 3

The pages of this appendix (Figure 1(1) through 1(3)) are designed to be attached end to end in order to provide a continuous diagram of the process.

PHASE 4
 NEGOTIATION



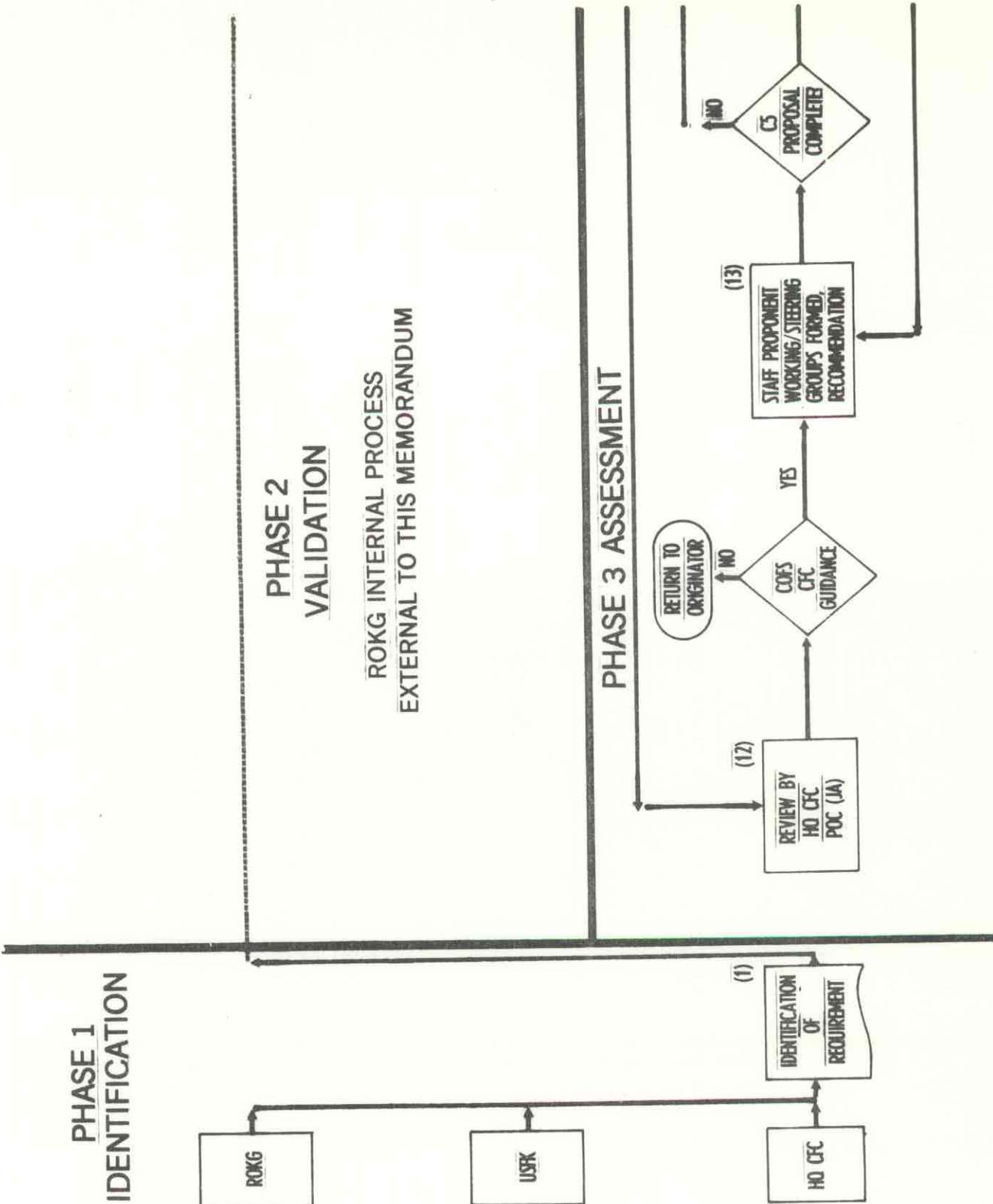
PHASE 5
 CONCLUSION



PROCEDURES, CFC AND ROKG BOTH PRINCIPALS

1. General. This appendix, including the illustration at Figure 1, describes the process of preparing, negotiating, and concluding agreements between HQ, CFC and the ROKG, in which both act as principals. Numbers in parentheses throughout the text denote steps in the process as depicted in the accompanying diagram.
2. Overview. The system for developing MOA/MOUs between CFC and the ROKG, in which CFC and ROKG are principals, consists of the following major phases.
 - a. Phase I. Identification (by CFC, ROKG, or USFK) of a need for support.
 - b. Phase II. Development and validation (by an agency of the ROKG and HQ, CFC) of a statement(s) of requirements to satisfy the identified need(s).
 - c. Phase III. Assessment (by HQ, CFC and/or an agency of the ROKG) of their respective abilities to support and fund the requirement(s).
 - d. Phase IV. Negotiation (by CFC and ROKG), as required, of the nature, extent, and process of support and compensation.
 - e. Phase V. Conclusion (by CFC and ROKG) of the formal international agreement.
3. Phase I. Identification of Need. Any organization or staff agency of CFC, the ROKG, or USFK may identify a need for support to be provided. When such a need is identified, the originator will forward the request for support (1) through CFC JA to an appropriate agency of the ROKG.
4. Phase II. Processing by ROKG. External to this memorandum.
5. Phase III. Processing by CFC. The CFC Judge Advocate (CFJA) will act as the POC on matters regarding agreements in this category. CFC will assess its ability to provide support in the particular area of concern. If the support can be provided by CFC, then CFC will validate the cost of the support and will develop a position (13) regarding proposed compensation from the ROKG. If compensation is expressed in the form of requirements (as the term is used in this memorandum), the requirements (14) will be expressed in the same manner as for an agreement in which CFC would be the sole beneficiary (see Appendix E). Once the Chief of Staff, CFC approves the requirement and the CFC Staff proposal (15), negotiation proceeds between CFC and the ROKG.
6. Phase IV. Negotiation of Agreement. CFC JA will act as CFC POC for the negotiations, overseeing the development and review of requirements (16) within HQ, CFC. Normally, the Chief of Staff, CFC will designate a CFC staff proponent, establish a steering group, and appoint a working group to carry on negotiations with the ROKG. CFC C5 will insure that all requirements and any compensatory or reciprocal actions are fully stated and costed before and during the negotiations. Working groups of both agencies may elect to meet separately or jointly, as preference and needs dictate, in the process of developing (17) and negotiating (18) in agreement which will satisfy all requirements. The result of the CFC/ROKG negotiations is a candidate agreement (19) in essentially final form, ready for the conclusion phase.
7. Phase V. Conclusion of Agreement. The candidate agreement is signed (20) by appropriate officials of CFC and the ROKG. Distribution of copies (21) is by CFC JA, who will provide one copy each to the CFC repository (22), MND repository (23), USFK JAJ (24), and ACofS, Comptroller, HQ, USFK/EUSA (25).

CFC/ROKG

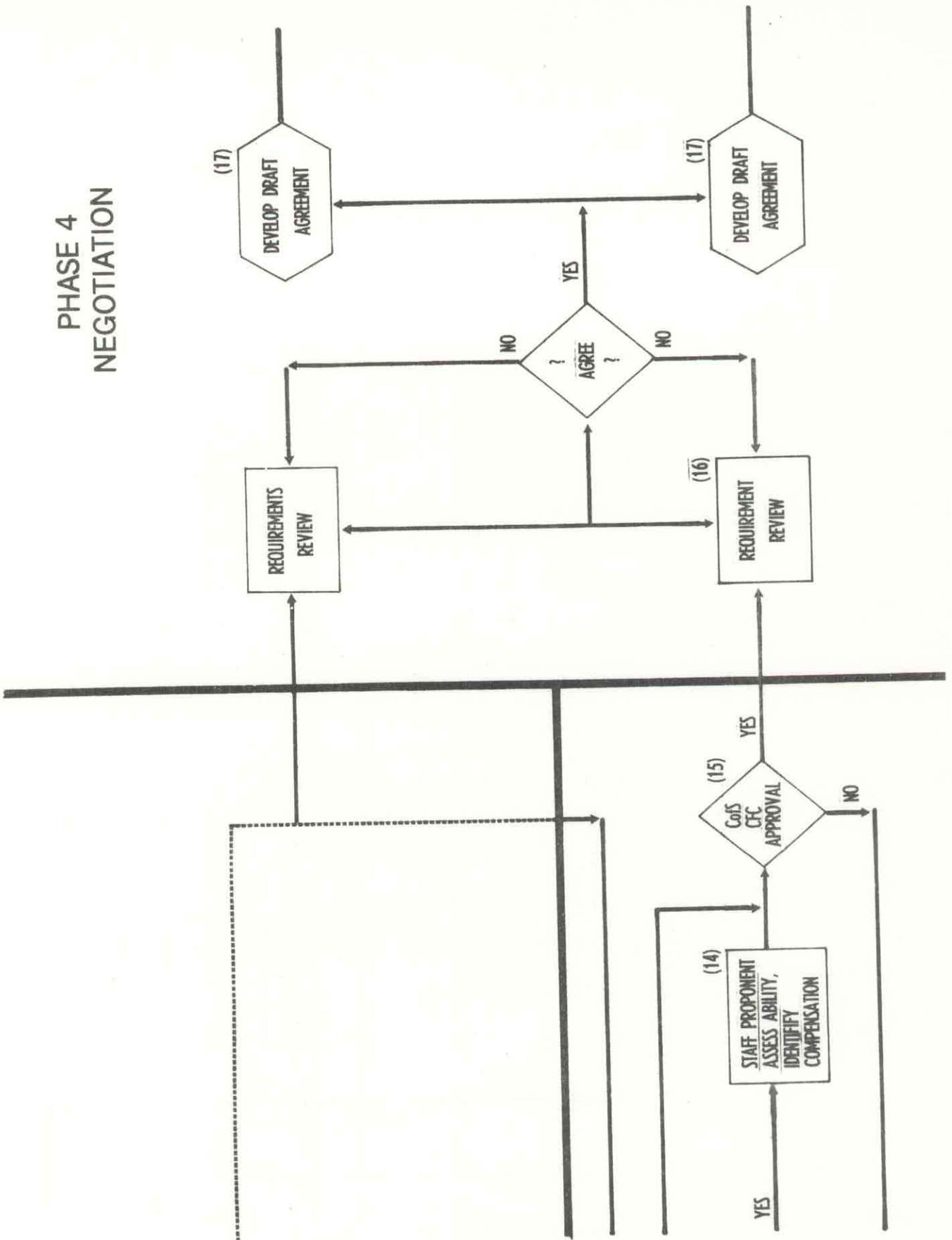


Appendix G

Figure 1 (1)
2

The pages of this appendix (Figure 1(1) through 1(3)) are designed to be attached end to end in order to provide a continuous diagram of the process.

PHASE 4 NEGOTIATION



PHASE 5
CONCLUSION

