

UTILITIES CLAIMS SETTLEMENT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AS UNIFIED COMMAND AND ON ITS OWN BEHALF AND ON BEHALF OF CERTAIN OTHER GOVERNMENTS AND THE GOVERNMENT OF THE REPUBLIC OF KOREA

Whereas the United Nations by the resolution of the Security Council of 27 June 1950, recommended that members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area;

And whereas the United Nations by the resolution of the Security Council of 7 July 1950, recommended that members furnishing military forces and other assistance to the Republic of Korea make such forces and other assistance available to a Unified Command under the United States;

And whereas the United States of America, acting in its capacity as the Unified Command, employed the military forces contributed by members of the United Nations and by the Republic of Korea in repelling the armed attack and restoring international peace and security in the area;

And whereas the United States of America, acting in its capacity as the Unified Command, and the Republic of Korea provided facilities, materials, supplies, equipment, utilities, services, and monies, for the support of the military forces employed against Communist aggression in Korea;

And whereas the United States of America, acting in its capacity as the Unified Command, and the Republic of Korea consider it desirable to negotiate a settlement of claims and counterclaims arising from the rendition of utilities services,

Therefore, the Government of the United States of America, on the one hand, in its capacity as the Unified Command and on its own behalf, and the governments of those nations furnishing military forces or field hospitals to the Unified Command: namely, Australia, Belgium, Canada, Colombia, Denmark, Ethiopia, France, Germany, Greece, India, Italy, Luxembourg, the Netherlands, New Zealand, Norway, the Republic of the Philippines, Sweden, Thailand, Turkey, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland; and the Government of the Republic of Korea, on the other hand; have agreed as follows:

ARTICLE I

1. "Claims and counterclaims" means any demands or requests for, or assertion of right to, payment of money or restoration, replacement, rehabilitation, or removal of property in settlement of any obligation, charge, or account, expressed or implied, including counterclaims and offsets, arising from rendition of utilities services, including claims arising from use, alteration, loss, or destruction of, or damage to property in connection with transmission, use or consumption of any utilities, and includes claims and counterclaims arising from the rendition of personal services required in the establishment, maintenance, and operation of utilities, and those claims and counterclaims for reimbursement for improvements to personal property, but excludes claims arising out of formal written contracts for utilities services between the