

No. 2358

**UNITED STATES OF AMERICA
and
CAMBODIA**

**Exchange of notes constituting an agreement relating to
mutual security. Phnom Penh, 18 and 28 December
1951**

O: 1 hait

Official texts: English and French.

Registered by the United States of America on 10 November 1953.

**ÉTATS-UNIS D'AMÉRIQUE
et
CAMBODGE**

**Échange de notes constituant un accord relatif à la sécurité
mutuelle. Phnom-Penh, 18 et 28 décembre 1951**

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 10 novembre 1953.

No. 2358. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CAMBODIA RELATING TO MUTUAL SECURITY. PHNOM PENH, 18 AND 28 DECEMBER 1951

Nº 2358. ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE CAMBODGE RELATIF À LA SÉCURITÉ MUTUELLE. PHNOM-PENH, 18 ET 28 DÉCEMBRE 1951

I

The American Legation to the Cambodian Ministry of Foreign Affairs

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 10

The Legation of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Kingdom of Cambodia and, under instructions from its Government, has the honor to inform the Ministry that the Congress of the United States of America has recently enacted new criteria for eligibility for United States foreign assistance programs and to propose an exchange of notes which will insure the continuation of the eligibility of the Kingdom of Cambodia for the programs of military and economic assistance now being extended.

The United States of America has undertaken to furnish military, economic, and technical assistance to friendly governments so that their countries may develop their resources for their own security and for the strengthening of the individual and collective defenses of the free world. The most recent enactment of the Congress of the United States of America for these purposes is known as the "Mutual Security Act of 1951" (P.L. 165, 82nd Congress),² which places all existing United States assistance programs under one common statute. This Act provides the present authority for the continuation of the programs in the Kingdom of Cambodia administered under the "Agreement for Mutual Defense Assistance in Indochina", signed December 23, 1950,³ and under the "Economic Cooperation Agreement", signed September 8, 1951.⁴ The new Act stipulates that eligibility for assistance is contingent upon adherence

¹ Came into force on 28 December 1951 by the exchange of the said notes.

² United States of America : 65 Stat. 373.

³ Not printed by the Department of State of the United States of America.

⁴ United Nations, *Treaty Series*, Vol. 174, p. 115.

¹ Entré en vigueur le 28 décembre 1951 par l'échange desdites notes.

by recipient countries to the principles and procedures underlying the purposes of the legislation and that, moreover, unless specific acknowledgement of such adherence is received within a period of ninety days from the enactment of the statute or by January 8, 1952, no military, economic, or technical assistance may be furnished to any foreign government.

These principles and procedures have been implicit in previous legislation authorizing the assistance programs; they engender no further obligations than those which have been in fact accepted by your Government since the inception of the programs. The assurances now required by the Congress are being similarly requested from all governments participating in United States military, economic, and technical assistance programs.

In accordance with the requirement of the Congress, as set forth in the "Mutual Security Act of 1951", the Legation has been directed to obtain written acknowledgement of adherence to these principles and procedures by the Government of the Kingdom of Cambodia. This may be most expeditiously accomplished by the transmittal of a Note to the Legation containing the following essential text :

" 1. The Government of the Kingdom of Cambodia hereby confirms that it has agreed to—

(a) join in promoting international understanding and good will, and maintaining world peace;

(b) take such action as may be mutually agreed upon to eliminate causes of international tension;

(c) make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources, facilities, and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world;

(d) take all reasonable measures which may be needed to develop its defense capacities; and

(e) take appropriate steps to insure the effective utilization of the economic and military assistance provided by the United States.

" 2. The two Governments will establish procedures under which equipment and materials furnished by the Government of the USA under the Mutual Defense Assistance Act of 1949, as amended,¹ other than equipment or materials furnished under terms requiring reimbursement, and no longer required for the purposes for which originally made available will be offered for return to the United States for appropriate disposition.

" 3. The Governments will establish procedures whereby the Government of the Kingdom of Cambodia will so deposit, segregate, or assure title to all funds allocated to or derived from any program of assistance undertaken by the Government of the United States so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when in the opinion of the Government of the United States any such legal process would interfere with the attainment of the objectives of the said program."

¹ United States of America : 63 Stat. 714; 22 U.S.C. §§ 1571-1604.

Upon receipt of this Note from your Government indicating that the foregoing provisions are acceptable to the Government of the Kingdom of Cambodia, the Government of the United States of America will consider that this Note and your Note in reply constitute an agreement between the two Governments on this subject which shall enter into force on the date of your Note in reply.

The Legation is, of course, at the disposition of the Ministry for consultation and discussion on any aspect of this matter. The Legation would, however, urge the importance of accomplishing this agreement prior to the January 8, 1952 limit, since the new statute unequivocally provides that no military, economic, or technical assistance may be furnished any country which shall not have agreed to provide the necessary assurances by this date. Failure to provide these assurances would jeopardize the continuation of current assistance programs under the "Agreement for Mutual Defense in Indochina" and under the "Economic Cooperation Agreement".

In informing the Ministry of Foreign Affairs of the Kingdom of Cambodia of the substance of the requirements enacted by the Congress, the Legation of the United States of America avails itself of the opportunity to renew to the Ministry the assurances of its highest consideration.

American Legation
Phnom Penh, December 18, 1951

E. A. G.

[TRADUCTION — TRANSLATION]

La Légation des États-Unis d'Amérique au Ministère des affaires étrangères du Cambodge

SERVICE DIPLOMATIQUE DES ÉTATS-UNIS D'AMÉRIQUE

N° 10

La Légation des États-Unis d'Amérique présente ses compliments au Ministère des affaires étrangères du Royaume du Cambodge et, d'ordre de son Gouvernement, a l'honneur de lui faire savoir que le Congrès des États-Unis d'Amérique a récemment arrêté de nouveaux critères en ce qui concerne la participation aux programmes d'aide extérieure des États-Unis et de proposer qu'il soit procédé à un échange de notes afin d'assurer au Royaume du Cambodge la possibilité de continuer à bénéficier des programmes d'assistance militaire et économique mis en œuvre actuellement.

Les États-Unis d'Amérique ont entrepris de fournir à des gouvernements amis une assistance militaire, économique et technique destinée à permettre

2) Les deux Gouvernements détermineront des procédés selon lesquels l'équipement et les matériaux fournis par le Gouvernement des États-Unis d'Amérique au titre de la Loi d'aide pour la Défense Mutuelle de 1949 avec ses révisions, et qui ne sont plus nécessaires pour les besoins en vue desquels ils ont été tout d'abord fournis, seront retournés aux États-Unis pour disposition appropriée, exception faite de l'équipement et des matériaux qui ont été fournis à charge de remboursement.

3) Les deux Gouvernements détermineront des procédés selon lesquels le Gouvernement du Royaume du Cambodge déposera, isolera ou assurera le titre de propriété aux fonds alloués pour tout programme d'aide entrepris par les États-Unis d'Amérique ou provenant d'un tel programme, afin que les fonds en question ne puissent pas être susceptibles de saisie, d'arrêt, de prise, ou d'autre procédure légale de la part de tout individu, société, agence compagnie, organisation ou gouvernement, quand selon l'avis du Gouvernement des États-Unis, une telle procédure porterait atteinte à la réalisation des objectifs dudit programme.

Le Ministère des affaires étrangères saisit cette occasion pour renouveler à la Légation américaine les assurances de sa haute considération.

Phnom-Penh, le 28 décembre 1951

[SEAL]

SONN
(Dr Sonn-Mam)

Monsieur le Chargé d'Affaires
de la Légation Américaine
à Phnom-Penh

[TRANSLATION¹ — TRADUCTION²]

The Cambodian Ministry of Foreign Affairs to the American Legation

KINGDOM OF CAMBODIA
MINISTRY OF FOREIGN AFFAIRS

The Ministry of Foreign Affairs of the Kingdom of Cambodia presents its compliments to the American Legation in Phnom-Penh and, according to its verbal note No 10 dated 10th December 1951, has the honour to affirm by the present that :

1. The Royal Government of Cambodia hereby confirms that it has agreed to—

[See note I, paragraphs 1, 2 and 3]

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the American Legation the assurances of its high consideration.

Phnom-Penh, 28th December, 1951

[SEAL]

SONN
(Dr Sonn-Mam)

Monsieur le Chargé d'Affaires
of the American Legation
Phnom-Penh