

No. 2456

**UNITED STATES OF AMERICA
and
CAMBODIA, FRANCE, LAOS AND VIET-NAM**

**Agreement (with annexes) for mutual defense assistance in
Indochina. Signed at Saigon, on 23 December 1950**

Official texts: English, French, Cambodian, Laotian and Vietnamese.

Registered by the United States of America on 26 January 1954.

**ÉTATS-UNIS D'AMÉRIQUE
et
CAMBODGE, FRANCE, LAOS ET VIET-NAM**

**Accord (avec annexes) relatif à l'aide pour la défense
mutuelle en Indochine. Signé à Saïgon, le 23 décembre
1950**

Textes officiels anglais, français, cambodgien, laotien et vietnamien.

Enregistré par les États-Unis d'Amérique le 26 janvier 1954.

No. 2456. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CAMBODIA, FRANCE, LAOS AND VIET-NAM FOR MUTUAL DEFENSE ASSISTANCE IN INDOCHINA. SIGNED AT SAIGON, ON 23 DECEMBER 1950

The Government of the UNITED STATES OF AMERICA, and the Governments of CAMBODIA, FRANCE, LAOS and VIETNAM :

Recognizing the common interest of the free peoples of the world in the maintenance of the independence, peace, and security of nations devoted to the principles of freedom;

Considering that the Governments of Cambodia, France, Laos and Vietnam are engaged in a cooperative effort toward these goals as members of the French Union;

Considering that, in furtherance of those common principles, the Government of the United States of America has enacted Public Law 329, 81st Congress,² which permits the United States of America to furnish military assistance to certain other nations dedicated to those principles;

Desiring to set forth the understandings which shall govern the furnishings of military assistance by the United States of America under Public Law 329, 81st Congress, to the forces of the Associated States and the French Union in Indochina,

Have agreed as follows :

Article I

Any assistance furnished under this agreement will be governed by the following basic considerations :

1. All equipment, material and services, made available by the United States of America under the terms of this agreement to the States signatory to it, in accordance with their needs, will be furnished under such provisions, and subject to such terms, conditions and termination provisions of Public Law 329, 81st Congress, as amended,² as affect the furnishing of such assistance, and such other applicable United States of America law as may hereafter come into effect.

2. In accordance with the principles of mutual aid, each Government receiving equipment, material, or services from the Government of the United

¹ Came into force on 23 December 1950, upon signature, in accordance with article V (1).

² United States of America : 63 Stat. 714; 22 U. S. C. §§ 1571-1604.

States of America under this agreement agrees to facilitate the production, transport, within its means, and the transfer to the Government of the United States of America for such period of time, in such quantities and upon such terms and conditions of purchase as may be agreed upon, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in their territories.

The conditions governing such transfers will be object of particular agreements and will take into account the needs of these states and the normal requirements of the French Union with respect to internal consumption and commercial export of such materials.

Article II

The signatory powers, recognizing that the effectiveness of military assistance will be enhanced if maximum use is made of existing facilities,

Have resolved that :

1. The Governments of Cambodia, France, Laos and Vietnam shall cooperate to assure the efficient reception, distribution and maintenance of such equipment and materials as are furnished by the United States of America for use in Indochina.

2. Each Government receiving aid from the United States of America shall, unless otherwise agreed to by the Government of the United States of America, retain title to all such equipment, material or services so transferred.

3. Each Government receiving aid from the United States of America shall also retain full possession and control of the equipment, material or services to which they have such title, taking into account the accords and agreements which now exist between Cambodia, France, Laos and Vietnam.

4. With respect to aid received from the United States of America, each State shall designate a member or representative of the High Military Committee and authorize such person to receive from the Government of the United States of America the title to the materials received. Each State shall, as the need exists, provide for such extensions of that authority as may be necessary to insure the most efficient reception, distribution and maintenance of such equipment and materials as are furnished by the United States of America.

5. For aid received from the United States of America destined exclusively for forces of the French Union in Indochina, the Commander in Chief of the French forces in the Far East or his delegate shall be the person authorized to accept title.

Article III

Taking into consideration the military conventions concluded between France and the Governments of Cambodia, Laos, and Vietnam, each Government receiving grants of equipment, material or services from the Government of the United States of America pursuant to this agreement,

Undertakes :

1. To use effectively such assistance only within the framework of the mutual defense of Indochina.

2. To take appropriate measures consistent with security to keep the public informed of operations under this agreement.

3. To take security measures which will be agreed upon with the United States of America in each case to prevent the disclosure or compromise of classified articles, services, or information received under this agreement.

4. To take appropriate action to prevent the illegal transportation into, out of, and within the area of Indochina, including the territorial waters thereof, of any equipment or materials substitutable for, or of similar category to, those being supplied by the United States of America under this agreement.

5. To provide local currency for such administrative and operating expenses of the Government of the United States of America as may arise in Indochina in connection with this agreement, taking into account ability to provide such currency. An annex to this agreement will be agreed between the United States of America on one hand, the States of Cambodia, France, Laos and Vietnam on the other, with a view to making arrangements for the provision of local currency within the limits of an overall sum to be fixed by common agreement.

6. To enter into any necessary arrangements of details with the Government of the United States of America with respect to patents, the use of local facilities, and all other matters relating to operations in connection with furnishing and delivering of materials in accordance with this agreement.

7. To consult with the Government of the United States of America, from time to time, to establish means for the most practicable technical utilization of the assistance furnished pursuant to this agreement.

Article IV

To facilitate operations under this agreement, each Government agrees :

1. To grant, except when otherwise agreed, duty-free treatment and exemption from taxation upon importation, exportation, or movement within

Indochina, of products, material or equipment furnished by the United States in connection with this agreement.

2. To receive within its territory such personnel of the United States of America as may be required for the purposes of this agreement and to extend to such personnel facilities freely and fully to carry out their assigned responsibilities, including observation of the progress and the technical use made of the assistance granted. Such personnel will in their relations to the Government of the country to which they are assigned, operate as part of the diplomatic mission under the direction and control of the Chief of such missions of the Government which they are serving.

Article V

1. This agreement shall enter into force upon signature. Any party may withdraw from this agreement by giving written notice to all other parties three months in advance.

2. The annexes to this agreement form an integral part thereof.

3. This agreement shall be registered with the Secretary-General of the United Nations in compliance with the provisions of Article 102 of the Charter of the United Nations.

IN WITNESS THEREOF the respective representatives, duly authorized for this purpose, have signed the present agreement.

DONE in quintuplicate in the English, Cambodian, French and Vietnamese¹ languages at Saigon on this 23 day of December, 1950.

All texts will be authentic, but in case of divergence, the English and French shall prevail.

Donald R. HEATH

HUU
V. SAI

VORABONG
G. DE LATTRE

[SEAL]

¹ The following information is given by the Department of State of the United States of America (*Treaties and Other International Acts Series 2447*): "Also Laotian text".

ANNEX A

In implementation of paragraph 5 of article III of the agreement for mutual defense assistance in Indochina, the Governments of Cambodia, France, Laos and Vietnam will deposit piasters at such times as requested in accounts designated by the diplomatic missions of the United States at Phnom Penh, Vientiane, and Saigon, not to exceed in total 6,142,230\$ piasters for the use of these missions on behalf of the Government of the United States of America for administrative expenses in the States of Cambodia, Laos and Vietnam in connection with carrying out that agreement for the period ending June 30, 1951.

The piasters will be furnished by each of the Governments of Cambodia, France, Laos and Vietnam in accordance with percentages agreed upon among the four Governments, taking into consideration the amount of military aid received by each Government. This annex will be renewed with appropriate modifications for the fiscal year ending June 30, 1952 and similarly thereafter before the end of each current fiscal year, for the duration of the agreement.

ANNEX B

In recognition of the fact that personnel who are nationals of one country, including personnel temporarily assigned, will in their relations with the Government of the country to which they are assigned, operate as part of the diplomatic mission of the Government of their country under the direction and control of the Chief of that Mission, it is understood, in connection with article IV, paragraph 2, of the Mutual Defense Assistance Agreement, that the status of such personnel, considered as part of the diplomatic mission of such other Government, will be the same as the status of personnel of corresponding rank of that diplomatic mission who are nationals of that country.

The personnel will be divided into 3 categories :

(a) Upon appropriate notification of the other, full diplomatic status will be granted to the senior military member and the senior Army, Navy and Air Force officer assigned thereto, and to their respective immediate deputies.

(b) The second category of personnel will enjoy privileges and immunities conferred by international custom, as recognized by each Government, to certain categories of personnel of the diplomatic mission of the other, such as the immunity from civil and criminal jurisdiction of the host country, immunity of official papers from search and seizure, right of free egress, exemption from customs duties or similar taxes or restrictions in respect of personally owned property imported into the host country by such personnel for their personal use and consumption, without prejudice to the existing regulations on foreign exchange, exemption from internal taxation by the host country upon salaries of such personnel. Privileges and courtesies incident to diplomatic status such as diplomatic automobile license plates, inclusion on the "Diplomatic List", and social courtesies may be waived by both Governments for this category of personnel.

(c) The third category of personnel will receive the same status as the clerical personnel of the diplomatic mission.

It is understood among the five Governments that the number of personnel in the three categories above will be kept as low as possible.

ANNEX C

All the countries which are signatory to the agreement for mutual defense assistance in Indochina agree that the benefits of any modifications or ameliorations of this agreement in favor of any one of the contracting parties will be extended to all the countries party to the agreement.
