

No. 2772

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**UNITED STATES OF AMERICA**  
and  
**VIET-NAM**

**Exchange of notes constituting an agreement relating to mutual security. Saigon, 18 December 1951 and 3, 16 and 19 January 1952**

*Official texts: English and French.*

*Registered by the United States of America on 1 March 1955.*

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**ÉTATS-UNIS D'AMÉRIQUE**  
et  
**VIET-NAM**

**Échange de notes constituant un accord relatif à la sécurité mutuelle. Saïgon, 18 décembre 1951 et 3, 16 et 19 janvier 1952**

*Textes officiels anglais et français.*

*Enregistré par les États-Unis d'Amérique le 1<sup>er</sup> mars 1955.*

No. 2772. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND VIET-NAM RELATING TO MUTUAL SECURITY. SAIGON, 18 DECEMBER 1951 AND 3, 16 AND 19 JANUARY 1952

Nº 2772. ÉCHANGE DE NOTES CONSTITUANT UN ACCORD<sup>2</sup> ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE VIET-NAM RELATIF À LA SÉCURITÉ MUTUELLE. SAÏGON, 18 DÉCEMBRE 1951 ET 3, 16 ET 19 JANVIER 1952

## I

*The American Legation to the Vietnamese Ministry of Foreign Affairs*

## THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

Nº 34

The Legation of the United States of America presents its compliments to the Ministry of Foreign Affairs of the State of Vietnam 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 State of Vietnam 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),<sup>3</sup> 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 State of Vietnam administered under the "Agreement for Mutual Defense Assistance in Indochina", signed December 23, 1950<sup>4</sup>, and under the "Economic Cooperation Agreement", signed September 7, 1951<sup>5</sup>. The new Act stipulates that eligibility for assistance is contingent upon adherence by recipient countries

<sup>1</sup> Came into force on 3 January 1952 in accordance with the terms of the said notes.

<sup>2</sup> Entré en vigueur le 3 janvier 1952 conformément aux dispositions desdites notes.

<sup>3</sup> United States of America : 65 Stat. 373.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 185, p. 3.

<sup>5</sup> United Nations, *Treaty Series*, Vol. 174, p. 165.

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 State of Vietnam. 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 State of Vietnam 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;
  - (e) Take appropriate step 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 United States of America under the Mutual Defense Assistance Act of 1949, as amended<sup>1</sup>, 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 two Governments will establish procedures whereby the Government of the State of Vietnam 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 persons, 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.

<sup>1</sup> 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 State of Vietnam, 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 State of Vietnam 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.

E. A. G.

American Legation  
Saigon, December 18, 1951

[TRADUCTION — TRANSLATION]

*La Légation des États-Unis d'Amérique au Ministère des affaires étrangères du Viet-Nam*

SERVICE DIPLOMATIQUE DES ÉTATS-UNIS D'AMÉRIQUE

No. 34

La Légation des États-Unis d'Amérique présente ses compliments au Ministère des affaires étrangères de l'État du Viet-Nam et, d'ordre de son Gouvernement, a l'honneur de porter à la connaissance du Ministère que le Congrès des États-Unis d'Amérique vient d'adopter une loi énonçant de nouvelles conditions à remplir pour pouvoir bénéficier des programmes d'aide à l'étranger entrepris par les États-Unis et de proposer un échange de notes pour que l'État du Viet-Nam puisse continuer à bénéficier des programmes d'aide militaire et économique actuellement en cours.

Les États-Unis d'Amérique se sont engagés à fournir une aide militaire, économique et technique aux gouvernements des pays amis afin que ceux-ci puissent développer leurs ressources en vue d'assurer leur propre sécurité et de renforcer la défense individuelle et collective du monde libre. La loi la plus

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

*The Vietnamese Ministry of Foreign Affairs to the American Legation*

STATE OF VIET-NAM  
MINISTRY OF FOREIGN AFFAIRS

No. 1-Cab/AE/L

Saigon, January 3, 1952

NOTE

The Ministry of Foreign Affairs of Viet-Nam presents its compliments to the Legation of the United States of America at Saigon and has the honor to acknowledge receipt of its note of December 18 in which the Legation was good enough to inform this Department of the new conditions laid down by the Congress for participation in United States foreign assistance programs.

In this communication the Legation proposes an exchange of notes to permit Viet-Nam to continue to benefit from the military and economic assistance which it is receiving at present under the Agreement for Mutual Defense Assistance, signed December 23, 1950, and under the Economic Cooperation Agreement, signed September 7, 1951, with the Government of the United States of America.

The Ministry of Foreign Affairs has the honor to inform the Legation that the Government of Viet-Nam, after taking cognizance of the principles underlying the Mutual Security Act of 1951, to which it gives its adherence, agrees to assume the following commitments :

[*See note I*]

The present note and that of December 18, mentioned above, of the Legation constitute, therefore, an agreement between our two Governments for the continuation of military and economic assistance to Viet-Nam under the Mutual Security Act of 1951.

The Ministry of Foreign Affairs avails itself of this occasion to renew to the Legation of the United States of America the assurance of its high consideration.

[SEAL]

T. H.

Legation of the United States of America  
Saigon

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.

## III

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

*Le Ministre des États-Unis d'Amérique  
à Saïgon au Ministre des affaires  
étrangères du Viet-Nam*

THE FOREIGN SERVICE OF  
THE UNITED STATES OF AMERICA

Légation américaine

No 39

Saïgon, le 16 janvier 1952

Monsieur le Président,

J'ai l'honneur de me référer à la note n° 1-Cab/AE/L du 3 janvier 1952 du Ministère des affaires étrangères et de vous apprendre que le texte des engagements souscrits par le Gouvernement du Viêt-Nam dans cette note paraît être entièrement satisfaisant, exception faite du paragraphe numéroté (3) qui devrait comprendre le mot « individu » ou « personne » avant le mot « société ». Je suis certain qu'il s'agit seulement d'une omission, et mon Gouvernement ne songe nullement à mettre en question la validité des engagements.

Toutefois, afin de satisfaire complètement aux conditions requises par le Congrès, je vous propose, si vous n'y voyez pas d'objection, de m'adresser une lettre acceptant au nom du Gouvernement du Viêt-Nam la correction suivante dans le texte des engagements :

3. Les deux Gouvernements détermineront des procédés selon lesquels le Gouvernement du Viêt-Nam déposera, isolera ou assurera le titre de propriété aux fonds alloués pour tout programme d'aide entrepris par les États-Unis d'Amérique ou

*The American Minister to the Viet-  
namese Minister of Foreign Affairs*

THE FOREIGN SERVICE OF  
THE UNITED STATES OF AMERICA

American Legation

No. 39

Saïgon, January 16, 1952

Mr. President :

I have the honor to refer to note No. 1-Cab/AE/L dated January 3, 1952, of the Ministry of Foreign Affairs and to inform you that the text of the commitments entered into by the Government of Viet-Nam in this note appears to be entirely satisfactory with the exception of paragraph 3 which should include the word "individual" or "person" before the word "firm". I am certain that it is merely an omission, and my Government in no way considers challenging the validity of the commitments.

However, in order to satisfy completely the conditions laid down by the Congress, I propose, if you see no objection, that you send me a letter, accepting on behalf of the Government of Viet-Nam, the following correction in the text of the commitments :

3. The two Governments will establish procedures whereby the Government of Viet-Nam will so deposit, segregate, or assure title to all funds allocated to or derived from any program of assistance undertaken by the United States of Ame-

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.

provenant d'un tel programme, afin que les fonds en question ne soient pas sujets à saisie, arrêt, opposition ou toute autre procédure légale de la part d'une personne, société, agence, compagnie, organisation ou gouvernement quelconque, quand, de l'avis du Gouvernement des États-Unis, une telle procédure porterait atteinte à la réalisation des objectifs dudit programme.

Je me permets aussi de vous transmettre un exemplaire du texte en langue anglaise des engagements souscrits par le Gouvernement du Viêt-Nam<sup>1</sup>. En vue de faciliter la tâche du Gouvernement des États-Unis dans la présentation au Congrès des assurances requises pour la continuation des programmes d'aide au Viêt-Nam, je vous serais très obligé si vous aviez la bienveillance de me faire renvoyer cet exemplaire, revêtu de votre paraphe. Vous vous rappellerez que, selon les termes de l'Accord de défense mutuelle en Indochine entre le Gouvernement des États-Unis d'Amérique et les Gouvernements du Cambodge, de la France, du Laos et du Viêt-Nam, signé à Saïgon le 23 décembre 1950, les textes français et anglais de cet accord faisaient également foi.

Je saisis cette occasion, Monsieur le Président, de vous renouveler les assurances de ma très haute considération.

Donald R. HEATH

S.E. Tran-van-Huu  
Président du Gouvernement du Viêt-Nam  
Ministre des affaires étrangères  
Saïgon

<sup>1</sup> Voir note I, paragraphes 1, 2 et 3.

rica 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.

I am also taking the liberty of transmitting to you a copy of the text in the English language of the commitments entered into by the Government of Viet-Nam.<sup>1</sup> With a view to facilitating the task of the Government of the United States in the presentation to the Congress of the assurances required for the continuation of the programs of assistance to Viet-Nam, I would greatly appreciate it if you would be good enough to have this copy returned, with your paraph affixed thereto. You will recall that according to the terms of the Agreement for Mutual Defense in Indochina between the Government of the United States of America and the Governments of Cambodia, France, Laos, and Viet-Nam, signed at Saigon December 23, 1950, the French and English texts of this agreement are equally authentic.

I avail myself of this occasion, Mr. President, to renew to you the assurances of my highest consideration.

Donald R. HEATH

H.E. Tran-van-Huu  
President of the Government of Viet-Nam  
Minister of Foreign Affairs  
Saïgon

<sup>1</sup> See note I, paragraphs 1, 2 and 3.

## IV

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

*Le Ministre des affaires étrangères  
du Viet-Nam au Ministre des États-Unis  
d'Amérique*

ÉTAT DU VIÊT-NAM

Le Président du Gouvernement  
Ministre des affaires étrangères

N° 98-Cab/AE/L

Saïgon, le 19 janvier 1952

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de votre lettre en date du 16 janvier 1952, relative aux engagements sous-crits par le Gouvernement du Viêt-Nam en vue de satisfaire aux conditions requises par la « loi de sécurité mutuelle de 1951 » engagements ayant fait l'objet de la note n° 1-CAB/AE/L du 3 janvier 1952 adressée à la Légation par le Ministère des affaires étrangères.

Ainsi que vous avez bien voulu le signaler, le mot « personne » qui devait précéder le mot « société », dans le paragraphe numéroté (3) de la note précitée, a été involontairement omis.

Au nom du Gouvernement du Viêt-Nam, je donne donc mon accord pour rétablir comme suit le texte du paragraphe (3) susvisé.

[Voir note III]

D'autre part, j'ai l'honneur de vous adresser ci-inclus en retour, dûment revêtu de mon paraphe, le texte en langue anglaise des engagements sous-

*The Vietnamese Minister of Foreign  
Affairs to the American Minister*

STATE OF VIET-NAM

The President of the Government  
Minister of Foreign Affairs

No. 98-Cab/AE/L

Saïgon, January 19, 1952

Mr. Minister :

I have the honor to acknowledge receipt of your letter dated January 16, 1952, concerning the commitments entered into by the Government of Viet-Nam in order to satisfy the conditions required by the "Mutual Security Act of 1951", which commitments were the subject of note No. 1-CAB/AE/L of January 3, 1952, addressed to the Legation by the Ministry of Foreign Affairs.

As you have been good enough to point out, the word "person", which was to precede the word "firm" in paragraph 3 of the aforementioned note, was involuntarily omitted.

On behalf of the Government of Viet-Nam I therefore give my consent to reestablish the text of the aforementioned paragraph 3 as follows :

[See note III]

Moreover, I have the honor to return to you herewith the text in the English language of the commitments entered into by the Government

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.



crits par le Gouvernement du Viêt-Nam.

Je saisis cette occasion pour vous renouveler, Monsieur le Ministre, les assurances de ma haute considération.

[SEAL]

T. V. HUU  
(Tran-van-Huu)

S.E. M. Donald R. Heath  
Ministre des États-Unis d'Amérique  
Saïgon

of Viet-Nam, to which my paraph has been duly affixed.

I avail myself of this occasion to renew to you, Mr. Minister, the assurances of my high consideration.

[SEAL]

T. V. HUU  
(Tran-van-Huu)

H. E. Donald R. Heath  
Minister of the United States of  
America  
Saigon