

No. 3777

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**UNITED STATES OF AMERICA  
and  
CAMBODIA**

**Exchange of notes (with annexes) constituting an agreement  
relating to military assistance. Phnom Penh, 16 May  
1955**

*Official texts: English and French.*

*Registered by the United States of America on 27 March 1957.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
CAMBODGE**

**Échange de notes (avec annexes) constituant un accord  
relatif à l'assistance militaire. Phnom-Penh, 16 mai  
1955**

*Textes officiels anglais et français.*

*Enregistré par les États-Unis d'Amérique le 27 mars 1957.*

No. 3777. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND CAMBODIA RELATING TO MILITARY ASSISTANCE. PHNOM PENH, 16 MAY 1955

I

*The American Ambassador to the Cambodian Minister of Foreign Affairs*

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA  
EMBASSY OF THE UNITED STATES OF AMERICA

No. 372

Phnom Penh, May 16, 1955

Excellency :

I have the honor to refer to the Notes of May 20 and September 1, 1954<sup>2</sup> which the Royal Government of Cambodia addressed to the Government of the United States of America relating to direct military assistance necessary for the effective defense of the Kingdom of Cambodia.

My Government is prepared, subject to the requirements and limitations of any United States legislation and on the basis of the principles set forth in paragraph 1 of the Agreement entered into between our two Governments through an exchange of Notes dated December 18 and 28, 1951\* to furnish direct military assistance to the Kingdom of Cambodia, including the assignment of personnel charged by mutual agreement with performing any other advisory and non-combatant services, for the purpose of implementing the Cambodian defense program, under the following conditions :

1. These personnel, whose status is determined in Annex A<sup>3</sup> of the present Note, will operate as part of the Embassy of the United States.

\* This paragraph reads as follows :

"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 tensions;

"(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."

<sup>1</sup> Came into force on 16 May 1955 by the exchange of the said notes.

<sup>2</sup> Not printed by the Department of State of the United States of America.

<sup>3</sup> See p. 276 of this volume.

2. They will be accorded all facilities and full authority to enable them to follow the execution of the program of assistance including the utilization of the assistance furnished, and to report thereon, on a continuous basis.

3. Any military assistance furnished by the United States will be provided on the condition that no equipment or materials furnished will be used to undertake acts of aggression against any nation.

4. The Government of Cambodia will utilize the equipment and materials furnished by the Government of the United States solely for the maintenance of its internal security and legitimate defense of its territory.

5. The Government of Cambodia will assure the safeguarding and the security of any article, service or technical military information furnished by the United States.

6. The title to or possession of any equipment, materials, information, or services furnished will not be transferred to any person not an officer or agent of the Government of Cambodia, or to a third country, without the prior consent of the competent American authorities.

7. If this equipment is no longer required for the purposes for which it was originally furnished as specified in paragraph 4 of the present Agreement, the Government of Cambodia will return it to the United States or dispose of it in accordance with the wishes of the Government of the United States following the procedures envisaged in Annex B<sup>1</sup> of this Note.

8. Subject to the provision of such appropriations as may be necessary, the Government of Cambodia will make riels available to the Government of the United States which will be used for administrative and operating expenditures necessary for carrying out the purposes of the military aid program. The Government of the United States will furnish to the Royal Cambodian Government appropriate explanations concerning its requirements. The two Governments will consult from time to time to determine the amount of riels to be furnished to the Government of the United States, taking into account the capacity of the Government of Cambodia to furnish such riels.

9. In conformity with the principles of the United Nations, the Government of Cambodia will by mutual agreement furnish to the Government of the United States or to any other Governments, such equipment, materials, services and other assistance as may be mutually agreed upon in order to increase their capacity for individual or collective defense or to facilitate their effective participation in the collective security system contemplated by the United Nations Charter.

10. In addition to the provisions relating to administrative, fiscal and security matters mentioned in Annexes A and B, all other supplementary details relating to procedures and other arrangements which might prove necessary in

<sup>1</sup> See p. 277 of this volume.

connection with the furnishing and use of American assistance will be worked out jointly, from time to time, by the two Governments.

The present arrangements will apply to all United States military assistance heretofore furnished or which may hereafter be furnished to Cambodia by the United States, whether that assistance is received directly from the Government of the United States or transferred in any other manner to Cambodia.

Cambodia or the United States may in writing request revision or, after six months notice, abrogation of the present Agreement.

In the event of abrogation, the materials and equipment furnished by the United States will be left at the disposition of Cambodia on the condition that their utilization is in conformity with the provisions of paragraphs 3, 4, 5, 6 and 7 of the present Agreement, which paragraphs will remain in force until their revision or their abrogation by a new agreement.

I should appreciate it if you would be good enough to confirm the agreement of the Royal Government of Cambodia to the provisions contained in this Note and in the attached Annexes.

Accept, Excellency, the assurances of my highest consideration.

Robert McCLINTOCK

His Excellency Leng Ngeth  
Minister of Foreign Affairs of the Royal Cambodian Government  
Phnom Penh

## ANNEX A RELATING TO PERSONNEL, MATERIALS AND EQUIPMENT

### 1. PRIVILEGES AND IMMUNITIES OF PERSONNEL

In their relations with the Government of Cambodia, the personnel of American nationality assigned to Cambodia in the Military Assistance Advisory Group, including personnel temporarily assigned, for any services necessitated by the supplying of military assistance and possibly training, will operate as part of the Embassy of the United States under the direction and control of the Chief of the Diplomatic Mission.

They shall be classified in two groups.

(a) The first group comprises higher-ranking personnel (the commissioned officers), the number of whom shall be restricted and fixed jointly by the two Governments. They shall 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, immunity of the 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 by such personnel for their personal use and consumption without prejudice to the existing regulations of foreign exchange, and exemption from internal taxation upon salaries and wages 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 the United States Government for this category of personnel.

(b) The second group comprises other remaining personnel who shall enjoy the same status as subordinate administrative personnel of diplomatic missions. The number of persons in the second group shall be fixed jointly by the two Governments.

As a matter of reciprocity, the Government of the United States will grant the same privileges and immunities as those specified in the present Agreement to Cambodian military personnel in Washington, serving as an integral part of the Cambodian Embassy, under the direction and control of the Chief of the Cambodian Diplomatic Mission, who perform in the United States mutually agreed functions analogous to those performed by American military personnel in Cambodia.

## 2. EXEMPTION FROM DUTIES AND TAXES ON CERTAIN MATERIALS AND EQUIPMENT

The Government of Cambodia will authorize importation and exportation, free of duty and of any other internal taxation, for all objects, equipment or materials, imported into Cambodia for its use or for the use of the Government of the United States in connection with the present Agreement.

The same exemptions will likewise be granted to equipment and materials in transit through Cambodian territory and destined for other countries receiving military aid from the United States or for American military assistance missions in such countries.

These exemptions must be the subject of documentation certifying the transactions to which they relate as coming within the framework of this paragraph 2 of Annex A.

## ANNEX B RELATING TO MATERIALS NO LONGER NECESSARY FOR CAMBODIA

Equipment and materials furnished by the Government of the United States that are no longer necessary for the purposes for which they were made available to Cambodia as specified in paragraph 4 of this Agreement will be subject to the following provisions, in accordance with the stipulations of the present Agreement and those of paragraph 2 of the Notes exchanged between the two Governments on December 18 and 28, 1951.

1. The Government of Cambodia will report to the Government of the United States such equipment and materials as are no longer required or are no longer used effectively and exclusively for the defense of the Kingdom of Cambodia, in accordance with the present Agreement and any future agreements between the two Governments and with the principles of the United Nations Charter.

The Government of the United States may also draw to the attention of the Government of Cambodia any materials or equipment which appear to fall in this category. In that case, the two Governments will consult. If after consultation it is determined that such items fall in the category covered by the first sentence of this paragraph, they will be disposed of in accordance with the procedures indicated in the following paragraphs. The same shall apply to equipment and materials initially reported by the Government of Cambodia.

2. The Government of the United States may reassume title to such equipment or materials for transfer to a third country or for any other utilization which it may desire.

3. In case the Government of the United States desires to reassume title to such equipment or materials, they will be delivered, in accordance with its request :

either FAS at a Cambodian port;

or FOB inland carrier at a point in Cambodia designated by the Government of the United States;

or, in the case of an airworthy aircraft, at an airfield in Cambodia designated by the Government of the United States.

4. Such equipment and materials as are not retaken by the Government of the United States will be the subject of arrangements which the Government of Cambodia will make after agreement thereto by the Government of the United States.

5. Any salvage or scrap from military equipment or materials furnished by the Government of the United States shall be reported to the latter and will be the subject of arrangements in accordance with paragraphs 2, 3, and 4 of the present Annex.

Salvage or scrap not retaken by the Government of the United States will be used as may be mutually agreed to support the defense effort of Cambodia or of other countries to which military assistance is being furnished by the Government of the United States of America.

## II

### *The Cambodian Minister of Foreign Affairs to the American Ambassador*

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

KINGDOM OF CAMBODIA

MINISTRY FOR FOREIGN AFFAIRS

The Minister of Foreign Affairs

No. 1859-D6P

Phnom Penh, May 16, 1955

Excellency :

I have the honor to acknowledge the receipt of Your Excellency's note dated May 16, 1955, the French text of which reads as follows :

[See note I]

I confirm the agreement of the Royal Government of Cambodia to the provisions stated above.

Please accept, Excellency, the assurance of my high consideration.

NGETH

His Excellency Robert McClintock  
Ambassador of the United States of America  
Phnom Penh

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

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