

No. 4986

**UNITED STATES OF AMERICA
and
THAILAND**

**Exchange of notes (with annex) constituting an agreement
relating to the loan of a vessel to Thailand. Bangkok,
19 May 1959**

Official text: English.

Registered by the United States of America on 24 December 1959.

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

**Échange de notes (avec annexe) constituant un accord relatif
au prêt d'une unité navale à la Thaïlande. Bangkok,
19 mai 1959**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 24 décembre 1959.

No. 4986. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THAILAND RELATING TO THE LOAN OF A VESSEL TO THAILAND. BANGKOK, 19 MAY 1959

I

The American Ambassador to the Thai Minister of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

No. 2699

Bangkok, May 19, 1959

Excellency :

I have the honor to refer to conversations between representatives of our two Governments concerning the loan of vessels by the Government of the United States to the Government of Thailand and to confirm the following understandings reached between our Governments on this subject.

1. The Government of the United States will lend to the Government of Thailand for the period set out below, the vessel identified in the Annex² to this note.

2. The Government of Thailand will retain possession of, and will use, the vessel subject to the terms and conditions of this note, in the Agreement Respecting Military Assistance between our two Governments signed on October 17, 1950,³ and in the agreement between our two Governments effected by an exchange of notes signed on December 27 and 29, 1951.⁴

3. The period of the loan for the vessel shall be five years from the date of its delivery to the Government of Thailand. The Government of the United States may, however, request the return of the vessel at an earlier date if such action is necessitated by its own defense requirements. In this event, the Government of Thailand will promptly return the vessel to the Government of the United States.

4. The vessel, together with its available on-board spares and allowances, including consumable stores and fuel, will be delivered to the Government of Thailand at such place and time as may be mutually agreed upon. The delivery shall be evidenced by a delivery certificate. The Government of Thailand shall have the use of all outfitting equipment, appliances, fuel, consumable stores, spares, and replacement parts on board the vessel at the time of its delivery.

¹ Came into force on 19 May 1959 by the exchange of the said notes.

² See p. 274 of this volume.

³ United Nations, *Treaty Series*, Vol. 79, p. 41, and Vol. 258, p. 386.

⁴ United Nations, *Treaty Series*, Vol. 179, p. 113.

5. Title to the vessel and to the items and appurtenances referred to in paragraph 4 of this note, except fuel, consumable stores, spares, and replacement parts, shall remain in the Government of the United States. The Government of Thailand may, however, place the vessel under its flag. The Government of Thailand shall not, without the consent of the Government of the United States, relinquish physical possession of the vessel or any such items and appurtenances.

6. The Government of Thailand renounces all claims against the Government of the United States arising from the transfer, use, or operation of the vessel and will save the Government of the United States harmless from any such claims asserted by third parties.

7. Upon the expiration or termination of the loan as provided in paragraph 3 of this note, the vessel together with its outfitting equipment, appliances, and available on-board spares and allowances, including consumable stores, replacement parts, and fuel, will be returned to the Government of the United States at a place and a time specified by the Government of the United States, in substantially the same condition, reasonable wear and tear excepted, as when transferred. Any items and appurtenances on board the vessel at the time of its return shall, if they are not already the property of the Government of the United States, become the property of the Government of the United States without compensation.

8. The Government of Thailand will pay the Government of the United States just and reasonable compensation for damages to or loss of the vessel. The Government of Thailand shall not, however, be liable for damage or loss of the vessel arising out of enemy action sustained while in use in accordance with the provisions of paragraph 2 of this note. Should the vessel sustain damages from any cause, such as in the opinion of the Government of Thailand renders it a total loss, the Government of Thailand shall consult with the Government of the United States before declaring said vessel a total loss.

If these understandings are acceptable to Your Excellency's Government, I have the honor to propose that this note and Your Excellency's reply concurring therein shall constitute an Agreement between our two Governments to enter into force on the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

U. Alexis JOHNSON

Enclosure :
Annex A.¹

His Excellency Nai Thanat Khoman
Minister of Foreign Affairs
Bangkok

ANNEX A
USS Hemminger (DE 746)

¹ See below.

II

The Thai Minister of Foreign Affairs to the American Ambassador

MINISTRY OF FOREIGN AFFAIRS
SARANROM PALACE

No. 13452/2502

May 19, B. E. 2502¹

Monsieur l'Ambassadeur,

I have the honour to acknowledge the receipt of Your Excellency's Note No. 2699 dated May 19, 1959, reading as follows :

[*See note I*]

In reply, I have the honour to inform Your Excellency that these understandings are acceptable to His Majesty's Government and that this note and your note under reference shall constitute the agreement effective as from the date of my present note.

I avail myself of this opportunity, Monsieur l'Ambassadeur, to renew to Your Excellency the assurance of my highest consideration.

Th. KHOMAN
Minister of Foreign Affairs.

His Excellency Monsieur U. Alexis Johnson
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Bangkok

¹ May 19, 1959.