

No. 11802

**UNITED STATES OF AMERICA
and
KHMER REPUBLIC**

**Agreement for sales of agricultural commodities (with annex).
Signed at Phnom Penh on 13 January 1972**

Authentic text : English.

Registered by the United States of America on 5 May 1972.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE KHMÈRE**

**Accord relatif à la vente de produits agricoles (avec annexe). Signé
à Phnom Penh le 13 janvier 1972**

Texte authentique : anglais.

Enregistré par les Etats-Unis d'Amérique le 5 mai 1972.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERN- MENT OF THE KHMER REPUBLIC FOR SALES OF AGRICULTURAL COMMODITIES

The Government of the United States of America and the Government of the Khmer Republic have agreed to the sales of agricultural commodities specified below. This Agreement shall consist of the preamble and parts I and III of the March 2, 1971 Agreement,² the following part II, and the attached Convertible Local Currency Credit Annex :

PART II

PARTICULAR PROVISIONS

Item I. Commodity Table :

<i>Commodity</i>	<i>Supply Period (United States Calendar Year)</i>	<i>Approximate Maximum Quantity</i>	<i>Maximum Export Market Value (Thousands)</i>
Cotton	1972	18,400 bales	\$3,128
Cotton Yarn	1972	4.4 million pounds	3,652
Tobacco	1972	1,500 metric tons	4,068
Vegetable Oil	1972	3,000 metric tons	1,067
Wheat/Wheat Flour	1972	24,000 metric tons	2,180
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TOTAL			\$14,095

Item II. Payment Terms :

Convertible Local Currency Credit

1. Initial Payment—None.
2. Currency Use Payment—up to 100 percent of the amount disbursed by the Government of the exporting country plus accrued interest. Pursuant to PL 480, Section 103 (b), the currency use payment shall be utilized as follows :
 - a. U.S. expenditures—PL 480, Section 104 (a)—20 percent of the amount disbursed plus accrued interest.

¹ Came into force on 13 January 1972 by signature, in accordance with part III (B).

² United Nations, *Treaty Series*, vol. 792, p. 123.

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Item VI. Economic Development Purposes for Which Proceeds Accruing to Importing Country are to be Used :

For economic development purposes as may be mutually agreed upon, including the self-help measures as specified in item V.

Item VII. Other Provisions :

A. The Government of the exporting country shall bear the cost of ocean freight differential for commodities it requires to be carried in United States flag vessels but, notwithstanding the provisions of paragraph 1 of the Convertible Local Currency Credit Annex, it shall not finance the balance of the cost of ocean transportation of such commodities.

B. Notwithstanding paragraph 4 of the Convertible Local Currency Credit Annex, the Government of the importing country may withhold from deposit in the special account referred to in such paragraph so much of the proceeds accruing to it from the sales of commodities financed under this Agreement as is equal to the amount of the currency use payment made by the Government of the importing country.

C. The currency use payment under part II, item II 2 of this Agreement shall be credited against (a) the amount of each year's interest payment due during the period prior to the due date of the first principal installment payment, starting with the first year, plus (b) the combined payments of principal and interest starting with the first principal installment payment, until value of the currency use payment has been offset.

IN WITNESS WHEREOF, the respective representatives, duly authorized for the purpose, have signed the present Agreement.

DONE at Phnom Penh, in duplicate, this 13th day of January, 1972.

For the Government
of the United States of America :

EMORY C. SWANK

For the Government
of the Khmer Republic :

KOUN WICK

CONVERTIBLE LOCAL CURRENCY CREDIT ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KHMER REPUBLIC FOR SALES OF AGRICULTURAL COMMODITIES

The following provisions apply with respect to the sales of commodities financed on convertible local currency credit terms :

1. In addition to bearing the cost of ocean freight differential as provided in

part I, article I F, of this Agreement, the Government of the exporting country will finance on credit terms the balance of the costs for ocean transportation of those commodities that are required to be carried in United States flag vessels. The amount for ocean transportation (estimated) included in any commodity table specifying credit terms does not include the ocean freight differential to be borne by the Government of the exporting country and is only an estimate of the amount that will be necessary to cover the ocean transportation costs to be financed on credit terms by the Government of the exporting country. If this estimate is not sufficient to cover these costs, additional financing on credit terms shall be provided by the Government of the exporting country to cover them.

2. With respect to commodities delivered in each calendar year, the principal of the credit (hereinafter referred to as principal) will consist of :

- a. The dollar amount disbursed by the Government of the exporting country for the commodities (not including any ocean transportation costs) less any portion of the initial payment payable to the Government of the exporting country, and
- b. The ocean transportation costs financed by the Government of the exporting country in accordance with paragraph 1 of this annex (but not the ocean freight differential).

This principal shall be paid in accordance with the payment schedule in part II of this Agreement. The first installment payment shall be due and payable on the date specified in part II of this Agreement. Subsequent installment payments shall be due and payable at intervals of one year thereafter. Any payment of principal may be made prior to its due date.

3. Interest on the unpaid balance of the principal due the Government of the exporting country for commodities delivered in each calendar year under this Agreement shall begin on the date of dollar disbursement by the Government of the exporting country. Such interest shall be paid annually beginning one year after the date of last delivery of commodities in such calendar year, except that if the installment payments for these commodities are not due on some anniversary of such date of last delivery, any such interest accrued on the due date of the first installment payment shall be due on the same date as the first installment and thereafter such interest shall be paid on the due dates of the subsequent installment payments. For the period from the date the interest begins to the due date for the first installment payment, the interest shall be computed at the initial interest rate specified in part II of this Agreement. Thereafter, the interest shall be computed at the continuing interest rate specified in part II of this Agreement.

4. The Government of the importing country shall deposit the proceeds accruing to it from the sale of commodities financed under this Agreement (upon the sale of the commodities within the importing country) in a special account in its name that will be used for the sole purpose of holding the proceeds covered by this paragraph. Withdrawals from this account shall be made for the economic development purposes specified in part II of this Agreement in accordance with procedures mutually satisfactory to the two Governments. The total amount deposited under this para-

graph shall not be less than the local currency equivalent of the dollar disbursement by the Government of the exporting country in connection with the financing of the commodities including the related ocean transportation costs other than the ocean freight differential. The exchange rate to be used in calculating this local currency equivalent shall be the rate at which the central monetary authority of the importing country, or its authorized agent, sells foreign exchange for local currency in connection with the commercial import of the same commodities. Any such accrued proceeds that are loaned by the Government of the importing country to private or non-governmental organizations shall be loaned at rates of interest approximately equivalent to those charged for comparable loans in the importing country. The Government of the importing country shall furnish, in such form and at such times as may be requested by the Government of the exporting country, but not less frequently than on an annual basis, reports containing relevant information concerning the accumulation and use of these proceeds, including information concerning the programs for which these proceeds are used, and, when the proceeds are used for loans, the prevailing rate of interest for comparable loans in the importing country.

5. The computation of the initial payment under part I, article II, A of this Agreement and all computations of principal and interest under numbered paragraphs 2 and 3 of this annex shall be made in United States dollars.

6. All payments shall be in United States dollars or, if the Government of the exporting country so elects,

- a.* The payments shall be made in local currency at the applicable exchange rate specified in part I, article III, G of this Agreement in effect on the date of payment and shall, at the option of the Government of the exporting country, be converted to United States dollars at the same rate, or used by the Government of the exporting country for payment of its obligations in the importing country, or
 - b.* The payments shall be made in readily convertible currencies of third countries at a mutually agreed rate of exchange and shall be used by the Government of the exporting country for payment of its obligations.
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