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AND CONTROL IN CAMBODIA

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THIRD INTERIM REPORT

Phnom Penh, 28th July 1955.

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INTERNATIONAL COMMISSION FOR
SUPERVISION AND CONTROL IN CAMBODIA

THIRD INTERIM REPORT

The Royal Government of Cambodia entered into an agreement with the Government of the United States of America for direct military aid on May 16, 1955. The International Commission for Supervision and Control examined the terms of this military aid agreement and adopted the following Resolution unanimously on July 23, 1955:-

"1. On 23rd May, 1955, the Royal Government of Cambodia informed the International Commission for Supervision and Control that it had on 16th May, 1955, concluded an agreement with the United States of America for direct military aid from that country. The Commission very carefully examined the new agreement to determine its compatibility or otherwise with the Geneva Agreement.

"2. Objections were raised in the Commission that certain clauses of the military aid agreement, as specified later in our letter of July 5, were not strictly in conformity with the Geneva Agreement. The Commission therefore asked the Royal Government of Cambodia for certain clarifications. The implications of these clauses were also discussed between the Royal Government and the International Commission on May 30 when the Prime Minister of Cambodia gave his Government's interpretation and understanding of the military aid agreement.

"3. On June 17 the Commission received a request from the Royal Government of Cambodia to examine the provisions of the new military aid agreement vis-a-vis the Geneva Agreement. On June 21 the International Commission received a protest from the Democratic Republic of Vietnam stating that the new agreement violated the provisions of the Geneva Agreement relating to Cambodia.

"4. With a view to having a formal record of the Cambodian Government's understanding of the military aid agreement, the Commission addressed the Royal Government on July 5 embodying this understanding in their letter of that date. On July 13 the Royal Government confirmed that its understanding and position were exactly as stated in the Commission's letter of July 5.

"5. The International Commission welcomes the clarifications given by the Royal Government, and its assurance that it will scrupulously and always respect the terms of the Geneva Agreement. It takes note of the assurance of the Royal Government that it will follow a policy of neutrality.

"6. The International Commission is confident that the Royal Government will honour all the assurances it has given and will give full co-operation to the International Commission in supervising the implementation of the military aid agreement in terms of Article 7 and Article 13(c) of the Geneva Agreement.

INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN CAMBODIA

"7. Although it may still be argued that some of the clauses of the new military aid agreement in terms go beyond the limitations imposed by the Geneva Agreement, the Commission accepts the assurances given by the Cambodian Government and is confident that in practice the receiving of aid under the new military aid agreement will be in conformity with the terms of the Geneva Accord."

The Resolution was communicated to the Royal Government of Cambodia on the same day.

Letters exchanged between the International Commission for Supervision and Control and the Royal Government of Cambodia on the subject of the U.S.-Cambodian Military aid agreement are to be treated as annexures to the Resolution and are attached to this Report as Annexures I to IV.

The terms of the U.S.-Cambodian military aid agreement, as laid down in the exchange of letters between the representatives of the two Governments, are contained in Appendix 'A'.

The Communique issued by the Royal Government of Cambodia on the military aid agreement is reproduced as Appendix 'B'.

The letter of protest from His Excellency General Giap stating the point of view of the Democratic Republic of Vietnam is attached as Appendix 'C'.

A French translation of this Interim Report is also attached.

(G. Parthasarathi)
Representative of India,
Chairman of the
International Commission.

(TED O SNOW)
Acting Representative of Canada

(Z. Wolniak)
Representative of Poland

Phnom Penh,
28th July, 1955.

ANNEXURE II

ROYAL GOVERNMENT OF CAMBODIA
MINISTRY OF FOREIGN AFFAIRS

INTERNATIONAL COMMISSION FOR SUPERVISION
AND CONTROL IN CAMBODIA

ANNEXURE I

PHNOM-PENH,
17th June, 1955.

Mr. Chairman,

As the Royal Government has been subjected to an underhand campaign of denigration in regard to American Military Aid, it takes leave to request you to kindly inform it officially of the position taken by the International Commission for Control of the Cease-fire -- which is responsible for the application of the Geneva Agreement -- concerning this aid granted to Cambodia in consideration of its sovereignty.

It is my duty to remind you that following the exchange of letters of 16th May 1955 between the Embassy of the United States of America and the Ministry of Foreign Affairs, I had the occasion to forward you unofficially the full text of this exchange of letters.

I now enclose the same, and beg you to kindly inform me officially of the view of the International Commission for Supervision and Control of the Cease-fire in regard to their content and to any incidence they might have on the Geneva Agreement and the Declaration of the Cambodian Delegation of 20th July 1954.

I would therefore be particularly grateful for a rapid reply which will enable the Royal Government to clarify the situation of Cambodia in regard to its international obligations and to its internal and external sovereignty.

Please accept, Mr. Chairman, the assurances of my highest esteem.

(Sgd.) Leng Ngeth

Minister of Foreign Affairs

Mr. G. Parthasarathi,
Chairman of the International Commission
for Supervision and Control of Cease-fire in Cambodia,
Phnom Penh.

Yours faithfully,

(Sgd.) G. Parthasarathi

Chairman

ANNEXURE I

ANNEXURE II

INTERNATIONAL COMMISSION FOR SUPERVISION
AND CONTROL IN CAMBODIA

Mr. Chairman,

Phnom Penh,
20th June, 1955.

His Excellency the Minister of Foreign Affairs,
Royal Government of Cambodia,
PHNOM-PENH.

Your Excellency,

I have the honour to refer to your letter No. 2293/CM dated 17th June, 1955, requesting the International Commission to express its views on the agreement recently reached between the Royal Government and the United States for military aid.

The Commission has received three copies of the text of the letters exchanged between the Embassy of the United States of America and the Ministry of Foreign Affairs and notes that the Royal Government wants it to express its views "in regard to their content and to any incidence they might have on the Geneva Agreement and the Declaration of the Cambodian Delegation of 20th July, 1954."

The Commission wishes to inform the Royal Government that the matter is under the active consideration of the Commission and that its views will be communicated to the Royal Government as soon as possible.

Please permit me, Your Excellency, to convey to you the expressions of my high esteem.

Yours faithfully,

(Sgd.) G. Parthasarathi

Chairman

ANNEXURE III

INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL
IN CAMBODIA

PHNOM-PENH,
5th July, 1955.

His Excellency the Minister for Foreign Affairs,
Royal Government of Cambodia,
PHNOM-PENH.

Your Excellency,

I have the honour to refer to your letter No. 2293/CM of June 17, 1955, requesting the International Commission to inform the Royal Government of our views in regard to the Military aid agreement concluded on May 16, 1955 between the United States and Cambodia.

The International Commission has also received a letter of protest from General Giap, Commander-in-Chief of the People's Army of Vietnam, presenting the point of view of the Democratic Republic of Vietnam in regard to the U.S.-Cambodian Agreement.

With a view to understanding all aspects of the question, the International Commission has carefully examined not only the letters exchanged between the representatives of Cambodia and the United States, but also the declarations relating to the military aid agreement made by the Royal Government and its Memorandum enclosed in your letter to me dated June 29, 1955. It has also taken into account the statements made by Your Excellency to the International Commission on May 30, 1955.

The International Commission has taken note of the Communique issued by the Royal Government on May 29, 1955, in particular the paragraph quoted below:

"The Royal Government intends scrupulously and always to respect the terms of the Geneva Agreement concerning it, as well as the undertakings taken in its name at the Asian-African Conference at Bandung by its delegation led by His Royal Highness Upayuvareach Norodom Sihanouk; the Government renews hereby its approval of the declaration made by him concerning the neutrality of Cambodia."

The above mentioned Communique of May 29 also says:

"The Agreement recently concluded with the U.S.A. has therefore for its object the direct grant of American military aid to Cambodia. There is no question of granting military bases nor of a military alliance of any sort nor of the sending of American military instructors to Cambodia."

In the declaration made by the Royal Government at Geneva on July 20, 1954, which was incorporated in Article 7 of the Geneva Agreement and in para 4 of the Final Declaration

of the Geneva Powers, Cambodia undertook not to solicit foreign aid in war materials, personnel or instructors except for the effective defence of its territory.

6. The sovereign right of Cambodia to seek foreign aid from any source is unquestioned, provided such aid is for the sole purpose of organising its effective defence.

Doubts have however been expressed as to the compatibility of certain specific provisions of the new military aid agreement with the Geneva Agreement on the score that some of the obligations undertaken by Cambodia in the new agreement are beyond the requirements of an agreement designed solely for the purpose of securing foreign aid for the effective defence of the country as envisaged in the Geneva Accord. The grounds for considering that specific provisions of the new agreement are not in conformity with the Geneva Agreement may be set down as follows:

(1) It is stated in the agreement that the U.S. Government would furnish aid to Cambodia "subject to the requirements and limitations of any U.S. legislation, and on the basis of the principles set forth in para 1 of the agreement entered into between the two Governments in 1951." Under the 1954 Mutual Security Act of the United States, military assistance is to be given "in order to promote the foreign policy, security and general welfare of the United States." Also, under the same Act no military assistance is to be given to any nation unless that nation accepts certain obligations under section 142 of the Act. Some of these obligations were incorporated into the agreement reached between Cambodia and the United States in 1951 and reaffirmed in the footnote to the present agreement.

If the obligations laid down in the Mutual Security Act of the United States are binding on Cambodia, it cannot be said that the present military aid agreement is intended solely for the effective defence of Cambodia.

(2) Under para (3) of the footnote, it is provided that Cambodia shall "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." In view of the commitment to contribute to the "defensive strength of the free world", it is difficult to hold that the new agreement is meant solely for the effective defence of the country. Besides, the reference to the "free world" suggests an affiliation to a particular bloc of nations which is not in consonance with the Cambodian declaration of neutrality.

(3) Under Para 9 of the agreement, Cambodia undertakes to furnish to the United States or to any other governments equipment, materials, services and other assistance as may be mutually agreed upon in order to increase their capacity for individual or collective defence. Even if such assistance to another country is to be subject to the agreement of the Royal Government, any war material which has entered Cambodia on grounds of self-defence but which can conceivably be used by others cannot be regarded as materials meant solely for the self-defence of Cambodia. Again, though Cambodia is not a member of the SEATO, it is possible that she may be asked to support any action by SEATO under Para 9 on the view that such action would be in conformity with the principles of the United Nations Charter.

(4) Under Para 2 of Annex "A" the Royal Government has agreed to grant tax exemption on materials and equipment in transit through Cambodian territory and destined for other countries receiving military aid from the United States or for American military missions in such countries. This would amount to introduction into Cambodia of arms and equipment which are not strictly needed for the effective defence of the country. This free introduction and transit of war material through Cambodia is likely to upset the strict arrangements and limitations laid down in the Geneva Agreements for entry of war material into the three Indo-China States. Besides, in the event of war in this area, such an undertaking will not be consistent with Cambodian neutrality. In view of the above, obligations undertaken by Cambodia under Annex "A" are considered contrary to the stipulations of the Geneva Agreement.

(5) Para 7 read with Annex "B" of the agreement specifies the procedure for the disposal of surplus equipment and war material. It is apprehended that in actual practice a surplus stock may be built up in Cambodia and also that war material from Cambodia may be diverted directly to neighbouring countries.

These objections have been before the Royal Government already and to some extent they were discussed in the meeting between the Commission and the Government on May 30. From the statements and clarifications made by the Royal Government, it is our understanding that the position taken up by the Royal Government in regard to the doubts enumerated above is as follows:

(1) The Royal Government of Cambodia is not bound by the provisions of any United States legislation, particularly the Mutual Security Act. No clauses of the 1951 Agreement between Cambodia and the United States govern the present agreement, except para 1 as reproduced in the footnote.

(2) According to the Royal Government, the term "free world" includes all freedom-loving nations, and not only the Western bloc. Cambodia has declared that it would not join either the Western bloc or the Eastern bloc; that it would not enter into any military alliance with any country; and that it would not tolerate the establishment of any foreign bases on its territory. This position was known to the United States Government well before the granting of aid under the present agreement. In these circumstances, the Royal Government will not contribute to the defensive strength of the free world unless its own security is dangerously threatened. This commitment under para (c) of the footnote is therefore quite illusory so far as Cambodia is concerned until a new situation arises.

(3) The Royal Government does not consider that the placing of war material and equipment received strictly for the effective defence of Cambodia at the disposal of the United States or other countries in terms of Para 9 is contrary to the Geneva Agreement, as such aid will be given in accordance with the principles of the United Nations Charter. As regards SEATO, Cambodia is not a member of this organisation and is not bound under para 9 of the new agreement to support any action by SEATO unless it decides to do so to safeguard the defence of its territory. Again, this commitment is subject to mutual agreement and it is open to Cambodia to refuse to give such aid. The obligations under Para 9 are not therefore automatic and Cambodia cannot be compelled to extend aid on all occasions. In view of her present policy of neutrality, Cambodia does not envisage the possibility of giving such assistance unless her national security is involved.

(4) Cambodia accepted this provision for transit of material through its territory as a measure of reciprocity as material coming to Cambodia has to pass through neighbouring countries. This is a peacetime arrangement, but should hostilities break out in this area the laws of neutrality will be applied. Further, Cambodia will abide by all the provisions of the Geneva Agreement relating to the entry of war material into the three Indo-China States and will offer full co-operation to the International Commission to check such war material in transit through Cambodia.

(5) Para 7 read with Annex "B" provides for the disposal of non-usable material and scrap. As soon as its minimum defence requirements have been assessed the Royal Government will inform the Commission of the details of these requirements so that the Commission may exercise control on the entry of the war material and equipment. Thus, in practice, no material surpluses are likely to occur. The Royal Government will, however, ensure that any war material found surplus to their requirements is sent out of Cambodia and not diverted direct by the Cambodian Government from Cambodian depots to any neighbouring State.

As requested by Your Excellency in our letter of June 17, 1955, the International Commission is anxious to state its position in regard to the American military aid agreement as soon as possible. In order to assist it in its task, the Commission requests you to confirm that our understanding of the Cambodian position as stated above is correct.

Please permit me, Your Excellency, to convey to you the expressions of my high consideration.
Yours faithfully,

(Sgd.) G. PARTHASARATHI

Chairman.

(3) The Royal Government does not consider that the placing of war material and equipment received strictly for the effective defence of Cambodia at the disposal of the United States or other countries in terms of Para 9 is contrary to the Geneva Agreement, as such aid will be given in accordance with the principles of the United Nations Charter. As regards SEATO, Cambodia is not a member of this organization and is not bound under para 9 of the new agreement to support any action by SEATO unless it decides to do so to safeguard the defence of its territory. Again, this commitment is subject to mutual agreement and it is open to Cambodia to refuse to give such aid. The obligations under Para 9 are not therefore automatic and Cambodia cannot be compelled to extend aid on all occasions. In view of her present policy of neutrality, Cambodia does not envisage her assistance unless her national

KINGDOM OF CAMBODIA
MINISTRY OF FOREIGN AFFAIRS

Phnom-Penh,
May 16, 1955.

No. 377
Phnom Penh,
13th July, 1955.

Excellency,

Mr. Chairman,
I have the honour to acknowledge receipt of your letter of 5th July, 1955, concerning direct military aid

supplied to Cambodia by the United States of America.

I hereby confirm the exactitude of my conception of the position of Cambodia as stated at the meeting held on 30th May, 1955, between the members of the International Control Commission and the members of the Royal Government, and as stated in your above mentioned letter.

Please accept, Mr. Chairman, the assurances of my high consideration.

(Sgd.) Leng Ngeth
Minister for Foreign Affairs

Mr. G. Parthasarathi,
Chairman,
International Commission in Cambodia,
Phnom Penh.

ANNEXURE IV

APPENDIX 'A'

EMBASSY OF THE UNITED STATES OF AMERICA

No. 372
Phnom Penh
13th July, 1955.

Phnom-Penh,
May 16, 1955.

Excellency,

I have the honour to refer to the Notes of May 20 and September 1, 1954 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 defence 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(1) 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 defence program, under the following conditions:

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

2. They will be accorded all facilities and full authority to enable them to follow the execution of the program of assistance, including the utilisation 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.

(1) 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 goodwill, 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."

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 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 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 be 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.

7. If this equipment is no longer required for the purposes for which it was originally furnished as specified in paragraph 6 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 of this Note.

8. Subject to the provisions as may be necessary, the Government of Cambodia shall be available to the Government of the United States for use for administrative and operating expenditures 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 rice to be furnished to the Government of the United States, taking into account the capacity of the Government of Cambodia to furnish such rice.

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 Government, 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 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 be 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

RELATING TO MATERIALS ANNEX A MATERIALS NECESSARY FOR CAMBODIA

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 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 the United States Diplomatic Mission. 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 material 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 Cambodia 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.

(His Excellency M. Leng Ngeth, Minister for Foreign Affairs, Royal Government of Cambodia replied in a letter dated May 16, 1955, to His Excellency M. Robert McClintock, Ambassador of the United States of America at Phnom Penh, as follows: "I confirm the agreement of the Royal Government of Cambodia to the terms indicated above.")

APPENDIX 'B'

COMMUNIQUE OF THE ROYAL GOVERNMENT OF CAMBODIA
DATED 29TH MAY, 1955.

On the 16th May 1955, at Phnom-Penh, Cambodia and the USA have concluded an agreement on the grant of direct military aid from the USA to Cambodia.

It may be recalled that in the past such help was given us through the French.

Now that Cambodia has become fully independent these incorrect methods represent an anachronism incompatible with her new political status. Moreover the Royal Government has given itself the task to seize all favourable opportunities to consolidate the national independence recently and dearly acquired.

In this order of ideas, the Royal Government has endeavoured to obtain from the USA that they should grant us directly without passing through the intermediary of France their military aid and satisfaction has been granted to us.

The Agreement recently concluded with the USA has therefore for its object the direct grant of American military aid to Cambodia. There is no question of the granting of military bases nor of a military alliance of any sort nor of the sending of American military instructors to Cambodia.

Thus, properly speaking, it is not a question of a military pact but of an agreement on direct military aid to Cambodia.

But to allow the American authorities to judge on the spot the needs of the Royal Khmer Army, to ensure the proper use of the materials delivered and to assist the Embassy of the USA at Phnom-Penh, in this delicate task, it has been deemed necessary to attach to the said Embassy an American Military Assistance Advisory Group limited to about 30 men including officers; these effectives will otherwise be subject to the previous agreement of the Royal Government. As far as the jurisdictional privileges which may be granted them are concerned, only those individuals can benefit by them, who, because of their high rank, have a status comparable to that of personnel of the diplomatic corps enjoying said privileges by virtue of diplomatic usage and of international law.

Thus the signature of the Khmer-American agreement on 16th May 1955 not only comes within the framework of the friendly relations which have always existed in the past between Cambodia and the USA but also has the value of a tangible proof of the definite and effective independence of our country. It also is in conformity with the Geneva Agreement which left to Cambodia complete liberty to receive whatever outside aid in armaments and instructors is necessary for the organisation of her armed forces to protect her sovereignty and her territorial integrity.

The Royal Government warns our compatriots against the lying propaganda of certain political parties who wish to spread the belief that the Government has jeopardised the sovereignty of the country by signing a military pact with the USA. (In truth no pact, no military alliance has been concluded with any country).

The Royal Government intends scrupulously and always to respect the terms of the Geneva Agreement concerning it, as well as the undertakings taken in its name at the Asian-African Conference at Bandung by its delegation led by His Royal Highness Upayuvareach Norodom Sihanouk; the Government renews hereby its approval of the declaration made by him concerning the neutrality of Cambodia.

But our countrymen undoubtedly understand that although neutral a nation must defend itself and must have the means to defend its integrity and its independence.

In so far as the aid of friendly nations is given to Cambodia without conditions, without infringement of her sovereignty or of her neutrality, the Government considers that this aid must be accepted in order to save our compatriots from heavier sacrifices for the maintenance of indispensable national armed forces.

Finally it should be noted that such a policy is also followed by many neutral nations who do not refuse the aid of friendly nations, as long as that aid is without conditions and does not alienate their sovereignty and liberty.

The Agreement recently concluded with the USA has therefore for its object the direct grant of American military aid to Cambodia. There is no question of the granting of military bases nor of a military alliance of any sort nor of the sending of American military instructors to Cambodia.

Thus, properly speaking, it is not a question of a military pact but of an agreement on direct military aid to Cambodia.

But to allow the American authorities to judge on the spot the needs of the Royal Khmer Army, to ensure the proper use of the materials delivered and to assist the Embassy of the USA at Phnom-Penh, in this delicate task, it has been deemed necessary to attach to the said Embassy an American Military Assistance Advisory Group limited to about 30 men including officers; these effectives will otherwise be subject to the previous agreement of the Royal Government. As far as the jurisdictional privileges which may be granted them are concerned, only those individuals can benefit by them, who, because of their high rank, have a status comparable to that of personnel of the diplomatic corps enjoying said privileges by virtue of diplomatic usage and of international law.

Thus the signature of the Khmer-American agreement on 16th May 1955 not only comes within the framework of the friendly relations which have always existed in the past between Cambodia and the USA but also has the value of a tangible proof of the definite and effective independence of our country. It also is in conformity with the Geneva Agreement which left to Cambodia complete liberty to receive whatever outside aid in armaments and instructors is necessary for the organisation of her armed forces to protect her sovereignty and her territories integrity.

The Royal Government warns our compatriots against the lying propaganda of certain political parties who wish to spread the belief that the Government has jeopardised the sovereignty of the country by signing a military pact with the USA. (In truth no pact, no military alliance has been concluded with any country).

APPENDIX 'C'

HANOI
20th June, 1955.

From

The General Commander-in-Chief of the
Popular Army of Vietnam

To

The Chairman of the International Commission
for Supervision and Control in Cambodia.

Mr. Chairman,

Recently the Royal Government of Cambodia has signed with the Government of the United States of America a military aid agreement. With a view to consolidate peace in Indochina, and in conformity with the policy of good neighbourhood between the Democratic Republic of Vietnam and the Kingdom of Cambodia, and as a signatory party to the Agreement on Cessation of Hostilities in Cambodia with the High Command of the Khmer National Armed Forces, we deem it necessary to present our point of view concerning the USA-Cambodia Agreement.

May we note a certain number of points as follows:-

According to Point 1(c), "the Government of the Kingdom of Cambodia hereby confirms that it has agreed to 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".

As regards the members of the American military personnel, Point 2 states, "they will be accorded all facilities and full authority to enable them to follow the execution of the programme of assistance, including the utilization of the assistance furnished, and to report thereon, on a continuous basis."

According to Point 7, "if this equipment is no longer required for the purpose for which it was originally furnished, 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....."

According to Point 9, "..... 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 defence, or to facilitate their effective participation in the Collective Security system....."

According to Point 2 of Annexe A, "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".

We notice that the USA-Cambodian Agreement is in contravention of Article 7 of the Agreement on the Cessation of Hostilities in Cambodia which says, "the Royal Government of Cambodia will not join in any agreement with other States, if this agreement carries for Cambodia the obligation to enter into a military alliance not in conformity with the principles of the Charter of the United Nations or with the principles of the Agreement on the Cessation of Hostilities, or, as long as its security is not threatened, the obligation to establish bases on Cambodian territory for the military forces of foreign powers."

The USA-Cambodian Agreement is in contravention of Point 4 of the Final Declaration to the Geneva Conference, which says, "...the Conference takes note of the declarations made by the Governments of Cambodia and Laos of their resolution not to request foreign aid, whether in war material, in personnel, or in instructors, except for the purpose of the effective defence of their territory....".

The USA-Cambodian Agreement is in contravention of Point 12 of the Final Declaration to the Geneva Conference, which says, "in their relations with Cambodia, Laos and Vietnam, each member of the Geneva Conference undertakes to respect the sovereignty, the independence, the unity and the territorial integrity of the above-mentioned States, and to refrain from any interference in their internal affairs".

The execution of the Geneva Agreement brings peace, independence and sovereignty to the free countries of the Indo-Chinese Peninsula. The Royal Government of Cambodia, has, on many occasions, stated its determination to maintain this peace, this independence, this sovereignty and to execute completely the Geneva Agreement. But the Royal Government of Cambodia has signed the Military Aid Agreement with the Government of the USA, when the Kingdom of Cambodia is not menaced by any danger of war. The USA-Cambodian Agreement oversteps the limit of the needs for an effective defence of the Cambodian territory. This Agreement takes the character of a military alliance with the USA, the leaders of the SEATO aggressive bloc. No one ignores that the USA leads the aggressive SEATO bloc against the Democratic Republic of Vietnam and against nations wanting peace in Asia, to contravene peace in Indo-China and sabotage the execution of the Geneva Agreements.

We recognize the right of Cambodia to accept aid within the framework of the Geneva Agreement. But under the terms of this Agreement, the Government of Cambodia can only solicit aid to assure the effective defence of her territory, and not to allow the USA to use Cambodia as a warehouse for equipment and material meant for neighbour countries, which constitutes a great menace for the Democratic Republic of Vietnam.

The people of Vietnam, as well as the people of Cambodia and the people of Laos cannot but be worried and indignant at this intervention of the USA in Cambodia, an intervention which is dangerous for peace in Indo-China and for the security of the Democratic Republic of Vietnam as well as that of other neighbour countries of Cambodia.

To assure the strict execution of the Geneva Agreement, for the defence of peace and of the territorial integrity of the three countries of Indo-China,

in the name of the High Command of the Popular Army of Vietnam, we protest against the USA-Cambodian Military Aid Agreement and request the International Commission for Supervision and Control in Cambodia to intervene, within its powers, so that the Geneva Agreement be respected.

The Democratic Republic of Vietnam untiringly pursues a policy tending to establish good neighbourly relations with the Kingdom of Cambodia on the basis of the Five Principles of Peaceful Co-existence, to which the Government of the Democratic Republic of Vietnam as well as the Royal Government of Cambodia have given their approbation. It is precisely with a view to realise this policy that we deem it necessary to proclaim our position towards the USA-Cambodian Military Agreement.

We take this occasion to renew to the International Commission for Supervision and Control in Cambodia, the assurances of our highest consideration.

The General Commander-in-Chief of
the Popular Army of Vietnam.

VO-NGUYEN-GIAP

20th June, 1955.



To assure the strict execution of the Geneva Agreement, for the defence of peace and of the territorial integrity of the three countries of Indo-China,

in the name of the High Command of the Popular Army of Vietnam, we protest against the USA-Cambodian Military Aid Agreement and request the International Commission for Supervision and Control in Cambodia to intervene, within its powers, so that the Geneva Agreement be respected.

The Democratic Republic of Vietnam unflinchingly pursues a policy tending to establish good neighbourly relations with the Kingdom of Cambodia on the basis of the Five Principles of Peaceful Co-existence, to which the Government of the Democratic Republic of Vietnam as well as the Royal Government of Cambodia have given their approbation. It is precisely with a view to realise this policy that we deem it necessary to proclaim our position towards the USA-Cambodian Military Agreement.

We take this occasion to renew to the International Commission for Supervision and Control in Cambodia, the assurances of our highest consideration.

The General Commander-in-Chief of the Popular Army of Vietnam.

VO-NGUYEN-GIAP

20th June, 1955.