

No. 331

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services, and related training, including pursuant to the United States International Military and Education Training Program, from the United States of America to the Government of the Kingdom of Cambodia pursuant to the Foreign Assistance Act of 1961, or successor legislation. In this regard the Embassy refers to the Agreement relating to the provision of defense articles to Cambodia, effected by exchange of notes at Phnom Penh on August 20, 1970, and the Agreement concerning payment to the United States of net proceeds from the sale of defense articles furnished under the military assistance program, effected by exchange of notes at Phnom Penh on May 14 and June 19, 1974.

In Accordance with these discussions, it is proposed that the Government of the Kingdom of Cambodia agree:

DIPLOMATIC NOTE

A. That unless the consent of the Government of the United States of America has been first obtained the Government of the Kingdom of Cambodia shall not:

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Kingdom of Cambodia;

(II) Transfer or permit any officer, employee or agent of the Government of the Kingdom of Cambodia to transfer such defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or

(III) Use or permit the use of such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of the Kingdom of Cambodia in disposing of, with prior written consent of the Government of the United

States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of the Kingdom of Cambodia shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Kingdom of Cambodia; and

E. That the Government of the United States of America may also, from time to time, make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the

requirements of that Act and United States regulations applicable to such transfers.)

It is further proposed that this Agreement shall supersede the above-referenced 1974 Agreement. This agreement shall apply to defense articles and defense services to which the superceded Agreement had applied prior to entry into force of this Agreement. The 1970 Agreement shall continue to apply with respect to assistance provided thereunder.

The Ministry of Foreign Affairs' note stating that the foregoing is acceptable to the Government of the Kingdom of Cambodia shall, together with this note, constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia the assurances of its highest consideration.

Embassy of the United States of America,

Phnom Penh, Cambodia,

May 18, 2006



KINGDOM OF CAMBODIA



Ministry of Foreign Affairs
and International Cooperation

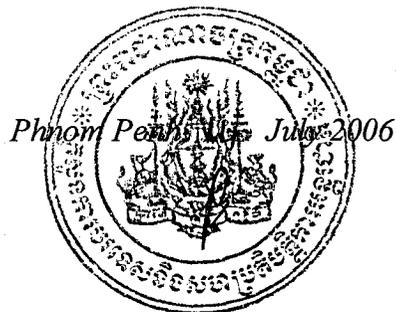
NATION – RELIGION - KING

No. 1162/MFA-IC/AM

The Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia presents its compliments to the State Department of the United States of America and, referring to the Note of the Embassy of the United States of America No. 331, dated 18 May 2006, regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services, and related training, including pursuant to the United States International Military and Education Training Program, from the United States of America to the Government of the Kingdom of Cambodia pursuant to the Foreign Assistance Act of 1961, or successor legislation, has the honor to inform the latter that the Government of the Kingdom of Cambodia approves the proposal as mentioned in the above-said Note.

The Embassy's note and the Ministry's note shall constitute an agreement between the two Governments which shall enter into force on the date of this note.

The Ministry of Foreign Affairs and International Cooperation avails itself of this opportunity to renew to the State Department of the United States of America the assurances of its highest consideration.



State Department of the United States of America