

# Das *Agreement for mutual defense assistance in Indochina* (1950) und seine weltpolitisch verheerenden Wirkungen

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Am 23. Dezember 1950 unterzeichneten in Saigon die USA, Frankreich, Kambodscha, Laos und Vietnam ein Abkommen, dem das UN-Sekretariat den folgenden Titel gab: *Agreement for mutual defense assistance in Indochina*.<sup>1</sup>

Dieses Abkommen zeigt am Beispiel Indochinas die Perfidie und weltpolitische Destruktivität der sogenannten Verteidigungsassistenpolitik der USA in der Nachkriegszeit auf, deren Ergebnisse wohl bis heute wirken.

Seine Artikel 1 und 2 lauten:

## Article I

Any assistance furnished under this agreement will be governed by the following basic considerations :

1. All equipment, material and services, made available by the United States of America under the terms of this agreement to the States signatory to it, in accordance with their needs, will be furnished under such provisions, and subject to such terms, conditions and termination provisions of Public Law 329, 81st Congress, as amended,<sup>2</sup> as affect the furnishing of such assistance, and such other applicable United States of America law as may hereafter come into effect.

2. In accordance with the principles of mutual aid, each Government receiving equipment, material, or services from the Government of the United States of America under this agreement agrees to facilitate the production, transport, within its means, and the transfer to the Government of the United States of America for such period of time, in such quantities and upon such terms and conditions of purchase as may be agreed upon, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in their territories.

The conditions governing such transfers will be object of particular agreements and will take into account the needs of these states and the normal requirements of the French Union with respect to internal consumption and commercial export of such materials.

## Article II

The signatory powers, recognizing that the effectiveness of military assistance will be enhanced if maximum use is made of existing facilities,

Have resolved that :

1. The Governments of Cambodia, France, Laos and Vietnam shall cooperate to assure the efficient reception, distribution and maintenance of such equipment and materials as are furnished by the United States of America for use in Indochina.

2. Each Government receiving aid from the United States of America shall, unless otherwise agreed to by the Government of the United States of America, retain title to all such equipment, material or services so transferred.

3. Each Government receiving aid from the United States of America shall also retain full possession and control of the equipment, material or services to which they have such title, taking into account the accords and agreements which now exist between Cambodia, France, Laos and Vietnam.

4. With respect to aid received from the United States of America, each State shall designate a member or representative of the High Military Committee and authorize such person to receive from the Government of the United States of America the title to the materials received. Each State shall, as the need exists, provide for such extensions of that authority as may be necessary to insure the most efficient reception, distribution and maintenance of such equipment and materials as are furnished by the United States of America.

5. For aid received from the United States of America destined exclusively for forces of the French Union in Indochina, the Commander in Chief of the French forces in the Far East or his delegate shall be the person authorized to accept title.

Zunächst fällt auf, dass Artikel I von *assistance* spricht, während es in Artikel II *aid* heißt. Diese Unterscheidung ist wesentlich, weil sich die *aid* offenkundig auf Artikel I/2 bezieht, also darauf, dass der Empfängerstaat hinsichtlich der gegenseitigen Rohstofflieferungen (nach Artikel I/2) voll kooperiert: Nur unter dieser Voraussetzung soll es *aid* geben, nur betreffs welcher der letztere Titel und Besitz erhält (Artikel II/2 u. 3).

Dies kommt einer glatten Erpressung gleich, deren Hintergrund und Motiv klar werden, indem ein Blick auf die Präambel des Abkommens geworfen wird; sie lautet:

The Government of the UNITED STATES OF AMERICA, and the Governments of CAMBODIA, FRANCE, LAOS and VIETNAM :

Recognizing the common interest of the free peoples of the world in the maintenance of the independence, peace, and security of nations devoted to the principles of freedom;

Considering that the Governments of Cambodia, France, Laos and Vietnam are engaged in a cooperative effort toward these goals as members of the French Union;

Considering that, in furtherance of those common principles, the Government of the United States of America has enacted Public Law 329, 81st Congress,<sup>2</sup> which permits the United States of America to furnish military assistance to certain other nations dedicated to those principles;

Desiring to set forth the understandings which shall govern the furnishings of military assistance by the United States of America under Public Law 329, 81st Congress, to the forces of the Associated States and the French Union in Indochina,

Have agreed as follows :

Da, im PP2, ist die Rede vom *gemeinsamen Interesse der freien Völker der Welt an der Aufrechterhaltung von Unabhängigkeit, Frieden und Sicherheit der Nationen, die den Grundsätzen der Freiheit verpflichtet sind*. Die hier angerufene Freiheit hat jedoch nichts mit Verantwortung und Wahrheit zu tun, sondern mit der irrwitzigen und fatalen Destruktion des Planeten und seiner Völker, wie wir heute wissen.

Demgegenüber heißt es in dem, auch in Artikel I/1 bezogenen Public Law<sup>2</sup> stattdessen, wie folgt:

## FINDINGS AND DECLARATION OF POLICY

The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common interest. The Congress hereby finds that the efforts of the United States and other countries to promote peace and security in furtherance of the purposes of the Charter of the United Nations require additional measures of support based upon the principle of continuous and effective self-help and mutual aid. These measures include the furnishing of military assistance essential to enable the United States and other nations dedicated to the purposes and principles of the United Nations Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to obtain agreements to provide the United Nations with armed forces as contemplated in the Charter and agreements to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying nations against violation and evasion.

<sup>1</sup> 185 UNTS 2456, 3.

<sup>2</sup> Pub. L. 81-329.

Hier sind also die Grundsätze und Ziele der UN-Charta angerufen!

Der Gegenstand des Abkommens besteht somit darin, den Empfangsstaaten militärisches Gerät unter Aufsicht der USA gegen die Ausbeutung von Bodenschätzen zu überlassen; was naturgemäß den Aufruhr insbesondere der gebildeten Jugend hervorrufen würde, wozu die Waffen (nach Artikel III/1; siehe sogleich) vorzugsweise eingesetzt werden sollten. So heißt es in der franco-vietnamesischen Konvention aus 1949<sup>3</sup>, im Abschnitt III/1 wie folgt:

III - QUESTIONS MILITAIRES - -----  
----- Le Vietnam a son armée nationale chargée du maintien de l'ordre, de la sécurité interne et de la défense de l'Empire. Dans ce dernier cas, elle est éventuellement appuyée par les Forces de l'Union Française. L'armée vietnamienne participe également à la défense des frontières de l'Union Française contre tous les ennemis extérieurs. -----

Hierzu tritt nämlich Artikel III des Abkommens aus 1950, der da lautet:

#### Article III

Taking into consideration the military conventions concluded between France and the Governments of Cambodia, Laos, and Vietnam, each Government receiving grants of equipment, material or services from the Government of the United States of America pursuant to this agreement,

Undertakes:

1. To use effectively such assistance only within the framework of the mutual defense of Indochina.
2. To take appropriate measures consistent with security to keep the public informed of operations under this agreement.
3. To take security measures which will be agreed upon with the United States of America in each case to prevent the disclosure or compromise of classified articles, services, or information received under this agreement.
4. To take appropriate action to prevent the illegal transportation into, out of, and within the area of Indochina, including the territorial waters thereof, of any equipment or materials substitutable for, or of similar category to, those being supplied by the United States of America under this agreement.
5. To provide local currency for such administrative and operating expenses of the Government of the United States of America as may arise in Indochina in connection with this agreement, taking into account ability to provide such currency. An annex to this agreement will be agreed between the United States of America on one hand, the States of Cambodia, France, Laos and Vietnam on the other, with a view to making arrangements for the provision of local currency within the limits of an overall sum to be fixed by common agreement.
6. To enter into any necessary arrangements of details with the Government of the United States of America with respect to patents, the use of local facilities, and all other matters relating to operations in connection with furnishing and delivering of materials in accordance with this agreement.
7. To consult with the Government of the United States of America, from time to time, to establish means for the most practicable technical utilization of the assistance furnished pursuant to this agreement.

Artikel IV aber sieht vor, was folgt:

#### Article IV

To facilitate operations under this agreement, each Government agrees:

1. To grant, except when otherwise agreed, duty-free treatment and exemption from taxation upon importation, exportation, or movement within Indochina, of products, material or equipment furnished by the United States in connection with this agreement.
2. To receive within its territory such personnel of the United States of America as may be required for the purposes of this agreement and to extend to such personnel facilities freely and fully to carry out their assigned responsibilities, including observation of the progress and the technical use made of the assistance granted. Such personnel will in their relations to the Government of the country to which they are assigned, operate as part of the diplomatic mission under the direction and control of the Chief of such missions of the Government which they are serving.

US-Militär sollte also nach dessen Absatz 2 vor Ort dafür sorgen, dass im Gebrauch dieses militärischen Geräts

Fortschritt statthabe, will heißen: das rebellierende Volk unterdrückt wird. Wobei Frankreichs Truppen in Indochina bzw. die Truppen der Union ebendort für den nötigen Druck von Außen sorgten. Denn die oben erörterte *assistance* außer der *aid*-Verpflichtung sollte es offenbar nur für Frankreich bzw. die Truppen der Union geben.

Interessant ist auch, dass es in einem nur 9 Monate später zwischen den USA und Vietnam unterzeichneten Wirtschaftsabkommen<sup>4</sup>, in dessen Artikel I ausdrücklich heißt, dass Wirtschaftshilfe gewährt wird, soweit um sie von Vietnam ersucht wird:

The Government of the United States of America and the Government of Vietnam:

Recognizing that individual liberty, free institutions, and independence depend largely upon sound economic conditions and stable international economic relationships;

Considering that the Congress of the United States of America has enacted legislation enabling the United States to furnish assistance to the Government of Vietnam in order that the Government of Vietnam, through its own individual efforts and through concerted effort with the other Associated States and other parts of the French Union, with other countries or with the United Nations, may achieve such objectives;

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America, the receipt of such assistance by the Government of Vietnam and the measures which the two Governments will take individually and together in furtherance of the above objectives: **with due regard to accords and agreements previously entered into by the High Contracting Parties;**

Have agreed as follows:

#### Article I

The Government of the United States of America will, **subject to the terms and conditions prescribed by law** and to arrangements provided for in this Agreement, furnish the Government of Vietnam such economic and technical assistance **as may be requested by it** and agreed to by the Government of the United States of America. The Government of Vietnam will cooperate with the Government of the United States of America to assure that procurement will be at reasonable prices and on reasonable terms. Commodities or services furnished under the present Agreement may be distributed within Vietnam on terms and conditions agreed upon between the two Governments.

Eine solche Klausel fehlt hier, im Abkommen aus 1950, völlig, sodass – man hat sich ja zu wechselseitiger Assistenz verpflichtet! – solche Waffen auch aufgezwungen werden können; und zwar, soweit nicht *aid* infrage kommt, weil etwa die Rohstofflieferungen den US-Bedürfnissen nicht genügen, als *assistance* und somit ohne Titel und Besitz!

Klar ist, dass diese Auslegung gutem Glauben und der souveränen Gleichheit von Staaten zuwiderläuft, aber einer bekanntermaßen *bullying party* wie den USA, ist sie zuzutrauen.

So züchtete man den Zweiten Indochinakrieg heran.

Abschließend sei noch darauf hingewiesen, dass die oben erläuterte Unterscheidung zwischen Titel und Besitz als Prototyp des Konzepts angesehen werden kann, das fortan (und im Rahmen von *lend-lease*) die rechtlichen Verhältnisse zwischen den USA als Atomwaffenmacht und ihren Satelliten bestimmen sollte.

Es darf davon ausgegangen werden, dass der Inhalt dieses hier diskutierten Abkommens für weitere zwischenstaatliche Beziehungen der USA als Schablone galt.

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<sup>3</sup> *Déclaration commune franco-vietnamienne portant reconnaissance de l'indépendance du Vietnam*, vom 8. März 1949.

<sup>4</sup> *Economic Assistance Agreement*, vom 7. September 1951, UST II/2, 2205.