

N° 4336.

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RÉPUBLIQUE DOMINICAINE  
ET HAÏTI

Accord concernant les questions de frontières et le règlement de tous les différends résultant des événements survenus pendant les derniers mois de l'année 1937 près de la frontière entre les deux pays. Signé à Washington, le 31 janvier 1938.

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DOMINICAN REPUBLIC  
AND HAITI

Agreement regarding Frontier Questions and the Settlement of all Disputes resulting from the Events which have occurred during the Last Months of the Year 1937 near the Frontier between the Two Countries. Signed at Washington, January 31st, 1938.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 4336. — AGREEMENT BETWEEN THE DOMINICAN REPUBLIC AND THE REPUBLIC OF HAITI REGARDING FRONTIER QUESTIONS AND THE SETTLEMENT OF ALL DISPUTES RESULTING FROM THE EVENTS WHICH HAVE OCCURRED DURING THE LAST MONTHS OF THE YEAR 1937 NEAR THE FRONTIER BETWEEN THE TWO COUNTRIES. SIGNED AT WASHINGTON, JANUARY 31ST, 1938.

THE PRESIDENT OF THE REPUBLIC OF HAITI, represented by M. Abel N. LÉGER and M. HOFFMAN PHILIP, and

THE PRESIDENT OF THE DOMINICAN REPUBLIC, represented by M. Manuel de Jesús TRONCOSO DE LA CONCHA and M. Andres PASTORIZA,

Being desirous of putting an end to all disputes between the two Governments arising out of the regrettable events which occurred during the last few months of the year 1937 on the territory of the Dominican Republic, have reached and drawn up the following Agreement :

Whereas in consequence of the above-mentioned distressing and deplorable events, persons of Haitian nationality residing in the territory of the Dominican Republic either lost their lives, or received wounds or bruises, or were obliged to return to the territory of the Republic of Haiti ;

Whereas the Dominican Government — which has already expressed its official reprobation of the above-mentioned events and has undertaken to hold an enquiry with a view to determining responsibilities and imposing penalties — wishing to give the Haitian Government the fullest satisfaction in repairing the damage done by the said events, obviating the distressing situation created by the return in a body to Haitian territory of persons of Haitian nationality who were living in Dominican territory, and preventing difficulties which might hereafter impair good relations between the two countries, is prepared to enable the Haitian Government to make good the losses sustained by its nationals on account of the same events ;

Whereas, in undertaking the said obligations, the Dominican Government (which for its part does not admit that the Dominican State is in any way responsible, but will on this point abide by the findings of the judicial enquiry which is not yet concluded) agrees to terminate by a settlement all disputes which have existed or which still exist between the two Governments on account of the events to which the above two preambulatory clauses relate, and further agrees to liquidate and terminate definitively by means of a settlement all claims whatsoever on the part of the Haitian Government or of persons of Haitian nationality against the Dominican Government or against persons of Dominican nationality of which the said events may have been the mediate or immediate cause ;

Whereas it is also desirable that the two Governments should undertake in the present Agreement to seek appropriate means of preventing a repetition of acts of so regrettable a character as those referred to above ;

On these grounds, the said Plenipotentiaries, having communicated to each other their full powers, found in good and due form, have agreed upon and drawn up the following provisions on behalf of the Haitian Republic and the Dominican Republic :

I. The Dominican Government gives the Haitian Government confirmation, in the present Agreement, of its expressions of regret and reiterates its reprobation of the

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

deplorable events to which the present Agreement relates; it gives the Haitian Government the fullest assurances that the judicial proceedings, the object of which is to throw light upon these acts and to punish offences of all kinds resulting therefrom, will be carried out with as much promptitude as is compatible with the spirit of justice and the care with which these acts should be investigated, and that penalties will be imposed without distinction upon all who are found guilty under Dominican laws.

II. The Dominican Government further undertakes to give the Haitian Government complete satisfaction as regards the exemplary publicity requested for sentences and penalties imposed on offenders in conformity with the laws now in force in the Dominican Republic.

III. The Dominican Government undertakes to pay to the Haitian Government the sum of seven hundred and fifty thousand dollars (\$750,000.00) legal United States of America currency.

IV. The Haitian Government shall use this sum in such manner as it may think fit in the best interests of the victims or their families or dependants, and of all persons of Haitian nationality who, having returned to Haitian territory, have been prejudiced in the course of these events.

V. The Dominican Government shall be subrogated to the rights, including rights of action, of persons of Haitian nationality which arise out of the above-mentioned regrettable acts. It shall receive for its own use all sums which the persons found responsible for these events are sentenced to pay for the benefit of persons of Haitian nationality.

VI. As regards the determination of responsibility for the events referred to in the preamble to the present act and the enforcement of the penalties merited by these same events, the decisions of the competent Dominican courts shall be final, and may not be contested by either High Party.

VII. Persons of Haitian nationality who have returned to Haitian territory on account of the events referred to in the preamble to the present act shall not be deemed, by reason of their return, to have renounced any claim to property owned by them in the Dominican Republic, and may exercise their rights and continue to enjoy possession of the said property, receiving it in the condition in which it is at the present time. Should they meet with any opposition whatsoever in the exercise of these rights, they shall enforce them in accordance with Dominican laws, and the Dominican Government shall guarantee that persons having such rights shall have such protection, in the exercise of the said rights, as they are entitled to receive under Dominican laws.

VIII. Payment of the sum fixed in Article III of the present Agreement shall be made as follows:

1. \$250,000.00 (*two hundred and fifty thousand dollars*) legal money of the United States of America as soon as the present Agreement has been duly concluded and signed;

2. \$100,000.00 (*one hundred thousand dollars*) legal money of the United States of America on January 31st, 1939, and an equal amount on the last day of January in subsequent years until such time as the debt has been extinguished.

IX. The Dominican and Haitian Governments shall enact and shall carry out, each within its own jurisdiction, all such administrative measures and executive provisions as may be desirable or necessary to ensure nationals of the other State residing in or passing through their territory of all the protection to which they are entitled in virtue of the laws of the State on whose territory they may be, and which is granted to them in any event in virtue of the law of nations.

X. With a view to preventing any possibility of further difficulties in the future, the High Parties agree:

1. That each of the said Governments shall adopt the necessary measures to prevent its nationals from crossing the frontier into the territory of the other State without the necessary permit from the competent authority of the said State ;

2. That, in conformity with the relevant rules of international law, nationals of either State who are found on the territory of the other State in violation of the laws of the said State or who have been declared by the competent authorities to be undesirable persons shall be repatriated ;

3. That each of the said Governments shall, through its own courts, impose appropriate penalties on any of its nationals who, having committed offences in the other State, have subsequently taken refuge in national territory.

§ The High Parties shall lay down, in a *modus operandi* which they undertake to conclude as soon as possible after the ratification of the present Agreement, adequate rules for ensuring the fulfilment of the three reciprocal undertakings set forth above.

XI. With a view to providing more satisfactory guarantees as to their future relations, the two Governments shall, by agreement, determine their armaments, limiting them to what is required for the security of the two countries.

XII. The present Agreement closes all disputes which have existed or which still exist between the two Governments on account of the events which occurred in Dominican territory during the last three months of the year 1937, and it liquidates and terminates definitively by means of a settlement all claims whatsoever on the part of the Haitian Government or persons of Haitian nationality against the Dominican Government or against persons of Dominican nationality of which the said events may have been the mediate or immediate cause.

XIII. The present Agreement has been drawn up in six originals, in French and Spanish, each original having the same text and equal authenticity, three for each High Party.

XIV. For final approval, the present Agreement shall be submitted to the Permanent Commission sitting at Washington, D. C., set up under the terms of the Gondra Pact, and shall be embodied *in extenso* in an act in accordance with such procedure as that Commission may have adopted in the exercise of its functions of conciliation. When this stage of the conciliation has been completed, the Agreement shall be submitted to the procedure laid down by the laws of the respective States for the ratification of international treaties, and these ratifications shall be exchanged at the residence of the Apostolic Nuncio in the town of Port-au-Prince, Haiti, within a period of one month from signature by the Plenipotentiaries.

Done and signed at Washington, D.C., United States of America, this 31st day of January, 1938.

M. J. DE TRONCOSO DE LA CONCHA.  
A. PASTORIZA.

Abel LÉGER.  
HOFFMAN PHILIP.