

No. 241

UNITED STATES OF AMERICA
and
HAITI

Exchange of Notes constituting an agreement amending the agreement of 13 September 1941 relating to Haitian finances. Port-au-Prince, 30 September 1946

English and French official texts communicated by the Acting Representative of the United States of America at the seat of the United Nations. The registration took place on 21 June 1948.

ETATS-UNIS D'AMERIQUE
et
HAITI

Echange de notes constituant un accord modifiant l'accord du 13 septembre 1941 relatif aux finances haïtiennes. Port-au-Prince, le 30 septembre 1946

Textes officiels anglais et français communiqués par le représentant par intérim des Etats-Unis d'Amérique au siège de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 21 juin 1948.

No. 241. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT AMENDING THE AGREEMENT OF 13 SEPTEMBER 1941 BETWEEN THE UNITED STATES OF AMERICA AND HAITI RELATING TO HAITIAN FINANCES. PORT-AU-PRINCE, 30 SEPTEMBER 1946

I

The American Ambassador to Haitian Secretary of State for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

Port-au-Prince, Haiti, September 30, 1946

No. 10

Excellency:

I have the honor to refer to my Note dated September 23, 1946 and to Your Excellency's reply dated September 26, 1946 regarding a proposed exchange of notes with your Government in order to amend paragraphs one and two of Article III of the Executive Agreement of September 13, 1941² between Haiti and the United States. The proposed amendment would provide for four voting members of the Board of Directors of the National Bank of the Republic of Haiti—two citizens of Haiti and two citizens of the United States—in place of the present six voting members consisting of three Haitians and three Americans. In addition, my Government agrees to the insertion of the following words immediately after the penultimate sentence, first paragraph of Article III of the Executive Agreement:

“Provided, however, that the terms commencing October 1, 1946 shall continue until September 30, 1947 only.”

The following is the full text of Article III as amended:

“The National Bank of the Republic of Haiti shall be reorganized with a Board of Directors consisting of an Honorary President and four voting members. The Haitian Minister of Finance, or in his absence, the Acting Minister of Finance, shall be *ex officio* the Honorary President. Two of

¹ Came into force on 30 September 1946, by the exchange of the said notes.

² United States, *Executive Agreement Series* 220; 55 Stat., 1348.

the voting members are always to be citizens of the Republic of Haiti. The other two voting members are always to be citizens of the United States of America. Decisions of the Board of Directors shall require a majority vote of the voting members of the Board. The President of the Republic of Haiti shall appoint the Haitian members of the Board of Directors; the citizens of the United States of America who are members of the Board shall be chosen by mutual agreement of the two Governments. All of the voting members of the Board shall hold office for a period of five years and shall not be removed except for cause. Provided, however, that the terms commencing October 1, 1946 shall continue until September 30, 1947 only. Vacancies on the Board of Directors shall be filled in the same manner as the original appointments.

“There shall be two co-Presidents of the Board of Directors of the Bank. One of these, the Haitian Minister of Finance, shall act as Honorary President, as indicated above, and shall preside over the meetings of the Board of Directors, and may be one of the two Haitian voting members. The other co-President shall be one of the two citizens of the United States of America. It shall be his duty to represent the holders of the bonds of 1922 and 1923 and to coordinate and direct the functions and activities of the two Vice Presidents, who shall be elected by the Board of Directors of the Bank, and who may be members of the Board. One of the Vice Presidents shall be charged with supervising and carrying out the commercial operations of the Bank, and the other shall be charged with supervising and carrying out the fiscal functions of the Bank, under the immediate direction of the President who shall be responsible for such work.

“Any voting member of the Board of Directors of the Bank who is unable to attend a meeting of the Board may give a proxy to any other member of the Board of Directors.

“The Board of Directors shall exercise with respect to the fiscal functions of the Bank the powers hereinafter set forth. The Fiscal functions of the Bank shall be undertaken by a Fiscal Department to be operated in accordance with the regulations issued by the Board of Directors pursuant to such powers.

“The Board of Directors shall continue to exercise with respect to all other functions of the Bank the powers set forth in the charter and by-laws of the Bank.”

I await Your Excellency's Note in reply confirming the amendments to the text of Article III as set forth above and containing the full text in the French language of the Article as amended.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Harold H. TITTMANN

His Excellency Dr. Jean Price-Mars
Secretary of State for Foreign Affairs
Port-au-Prince

II

The Haitian Secretary of State for Foreign Affairs to the American Ambassador

SECRETAIRERIE D'ÉTAT DES RELATIONS EXTÉRIEURES

Port-au-Prince, le 30 Septembre 1946

No. DEC/A—3: 869

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de la note No. 10, datée du 30 Septembre en cours, par laquelle Votre Excellence me fait part de l'acceptation par Son Gouvernement des modifications de l'Art. III de l'Accord Exécutif du 13 Septembre 1941, envisagées dans la note du 23 Septembre de Votre Excellence et la mienne du 26 Septembre.

En réponse, j'ai l'honneur de confirmer également l'acceptation par mon Gouvernement des dites modifications qui portent sur le nombre de membres du Conseil d'Administration de la Banque Nationale de la République d'Haïti et sur la durée de leur mandat.

Conséquemment, le texte de l'Article III, tel qu'il est amendé, devient le suivant:

La Banque Nationale de la République d'Haïti sera réorganisée avec un Conseil d'Administration composé d'un Président honoraire et de quatre membres votants. Le Secrétaire d'Etat des Finances de la République d'Haïti ou, en son absence, le Secrétaire d'Etat des Finances par intérim, sera d'office Président honoraire. Deux des membres votants devront toujours être des citoyens de la République d'Haïti. Le deux autres membres votants seront toujours des citoyens des Etats-Unis d'Amérique. Les décisions du Conseil d'Administration seront prises à la majorité des voix des membres votants du Conseil. Le Président de la République d'Haïti nommera les membres haïtiens du Conseil d'Administration; les citoyens des Etats-Unis d'Amérique qui feront partie du Conseil d'Administration seront choisis

Je saisis cette occasion pour renouveler à Votre Excellence les assurances de ma très haute considération.

Harold H. TITTMANN

A Son Excellence M. Jean Price-Mars
Secrétaire d'Etat aux affaires étrangères
Port-au-Prince

II

*Le Secrétaire d'Etat aux affaires étrangères d'Haïti
à l'Ambassadeur des Etats-Unis*

TRANSLATION¹ — TRADUCTION¹

SECRETARY OF STATE FOR FOREIGN AFFAIRS

Port-au-Prince, September 30, 1946

N° DEC/A-3:869

Mr. Ambassador:

I have the honor to acknowledge receipt of note No. 10 dated September 30, 1946, in which Your Excellency informs me of the acceptance by your Government of the amendments of Article III of the Executive Agreement of September 13, 1941, envisaged in Your Excellency's note of September 23 and mine of September 26.

In reply, I have the honor to confirm also the acceptance by my Government of the said amendments which relate to the number of members of the Board of Directors of the National Bank of the Republic of Haiti and to their term of office.

Consequently, the text of Article III, as amended, becomes the following:

“The National Bank of the Republic of Haiti shall be reorganized . . .

[See note I, page 258]

Please accept, Mr. Ambassador, the assurances of my very high consideration.

DR. PRICE-MARS

His Excellency Harold H. Tittmann
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Port-au-Prince

¹ Translation by the Government of the United States of America.

¹ Traduction du Gouvernement des Etats-Unis d'Amérique.