

No. 2287

**UNITED STATES OF AMERICA
and
COLOMBIA**

Exchange of notes constituting an agreement relating to military assistance. Bogotá, 17 April 1952

Official text: English and Spanish.

Registered by the United States of America on 7 October 1953.

**ÉTATS-UNIS D'AMÉRIQUE
et
COLOMBIE**

**Échange de notes constituant un accord d'assistance militaire.
Bogota, 17 avril 1952**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 7 octobre 1953.

No. 2287. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND COLOMBIA RELATING TO MILITARY ASSISTANCE. BOGOTA, 17 APRIL 1952

I

The American Ambassador to the Colombian Minister of Foreign Affairs

Bogotá, 17 April 1952.

No. 307

Excellency :

I have the honor to refer to conversations which have recently taken place between representatives of our two Governments concerning the furnishing of military assistance by our two Governments for the common defense and for the maintenance of peace of the Western Hemisphere, and to confirm the understandings reached as a result of these conversations as follows :

MILITARY ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES AND COLOMBIA

The Governments of the United States of America and of the Republic of Colombia :

Conscious of their pledges under the Inter-American Treaty of Reciprocal Assistance² and other international instruments to assist any American State subjected to an armed attack and to act together for the common defense and for the maintenance of the peace and security of the Western Hemisphere ;

Desiring to foster international peace and security within the framework of the Charter of the United Nations through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles ;

Reaffirming their determination to give their full cooperation to the efforts to provide the United Nations with armed forces as contemplated by the Charter and to obtain agreement on universal regulation and reduction of armaments under adequate guarantee against violation ;

Taking into consideration the support that the Government of the United States of America has brought to these principles by enacting the Mutual Defense Assistance Act of 1949, as amended,³ and the Mutual Security Act of 1951,⁴ which provide for the furnishing of military assistance to nations which have joined with it in collective security arrangements ;

Desiring to set forth the conditions which will govern the furnishing of such assistance by one contracting Government to the other ;

Have agreed as follows :

¹ Came into force on 17 April 1952 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 21, p. 77 ; Vol. 26, p. 417, and Vol. 82, p. 330.

³ United States, *63 Stat. 714* ; 22 U. S. C. §§ 1571-1604.

⁴ United States, *65 Stat. 373*.

Article I

1. Each Government will make or continue to make available to the other, and to such additional governments as the parties hereto may in each case agree upon, such equipment, materials, services, or other military assistance as the Government furnishing such assistance may authorize and in accordance with such terms and conditions as may be agreed. The furnishing of any such assistance as may be authorized by either party hereto shall be consistent with the Charter of the United Nations and with Interamerican Treaties ratified by the Parties to this Agreement. Such assistance shall be so designed as to promote the defense and maintain the peace of the Western Hemisphere and be in accordance with defense plans under which both Governments will participate in missions important to the defense and maintenance of the peace of the Western Hemisphere. Assistance made available by the Government of the United States of America pursuant to this Agreement will be furnished under the provisions, and subject to all the terms, conditions and termination provisions of the Mutual Defense Assistance Act of 1949, the Mutual Security Act of 1951, acts amendatory and supplementary thereto and appropriation acts thereunder. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of the Republic of Colombia undertakes to make effective use of assistance received from the Government of the United States of America pursuant to this Agreement for the purpose of implementing defense plans, accepted by the two Governments, under which the two Governments will participate in missions important to the defense and the maintenance of the peace of the Western Hemisphere, and will not, without the prior agreement of the Government of the United States of America, devote such assistance to purposes other than those for which it was furnished. With respect to equipment and materials furnished under terms requiring reimbursement, the utilization thereof for purposes different from those mentioned in this paragraph will require the prior agreement of both Governments.

3. Arrangements will be entered into under which equipment and materials furnished pursuant to this Agreement and no longer required for the purposes for which it was made available (except equipment and materials furnished under terms requiring reimbursement) will be returned to the Government which furnished such assistance for appropriate disposition.

4. In the common security interest of both Governments, the Government of the Republic of Colombia undertakes not to transfer to any person not an officer or agent of such Government, or to any other Government, title to or possession of any equipment, materials, or services furnished to it by the Government of the United States of America under this Agreement without the prior agreement of the Government of the United States of America. The transfer of equipment or materials on a reimbursable basis shall be in accordance with terms and conditions relating to such transfers which may be agreed to by the two Governments.

5. The two Governments will establish procedures whereby the Government of the Republic of Colombia will so deposit, segregate, or assure title to all funds allocated to or derived from any program of assistance undertaken by the Government of the United States of America so that such funds shall not be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government, when in the opinion of the Government of the United States of America

any such legal process would interfere with the attainment of the objectives of the said program of assistance.

6. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished by the other Government pursuant to this Agreement.

Article II

Each Government will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.

Article III

The two Governments will, upon request of either of them, negotiate appropriate arrangements between them to provide for the availability of patent licenses and technical information required in furtherance of the objectives of this Agreement. In these negotiations consideration shall be given to the inclusion of an undertaking whereby each Government will assume the responsibility for all claims of its nationals arising under such arrangements, and the responsibility for such claims arising in its jurisdiction of nationals of any country not a party to this Agreement.

Article IV

1. Subject to the provision of the necessary appropriations, the Government of the Republic of Colombia undertakes to make available to the Government of the United States of America Colombian pesos in an amount to be agreed for the use of the Government of the United States of America for its administrative and operating expenditures in connection with carrying out the purposes of this Agreement.

The two Governments will forthwith initiate discussions with a view to determining the amount of such Colombian pesos and to agreeing upon arrangements for the furnishing of such Colombian pesos.

2. The Government of the Republic of Colombia will, except as otherwise agreed, grant duty-free treatment and exemption from internal taxation upon importation or re-exportation to products, property, materials or equipment imported into its territory in connection with this Agreement or any similar agreement between the United States of America and any other country receiving military assistance.

Article V

1. Each Government agrees to receive personnel of the other Government who will discharge responsibilities of the latter Government in connection with the implementation of this Agreement. Such personnel will be accorded facilities to observe the progress of assistance furnished pursuant to this Agreement. Such personnel who are nationals of that other country, including personnel temporarily assigned, will, in their relations with the Government of the country to which they are assigned, operate as a part of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government of the sending country, and shall be accorded all privileges and immunities conferred by international custom to Embassy personnel of corresponding rank. Privileges and courtesies, such as diplomatic automobile license plates, inclusion

on the "diplomatic list", and social courtesies may be waived by the sending Government for its personnel other than the senior military member and the senior Army, Navy and Air Force officer and their respective immediate deputies.

2. The two Governments will negotiate arrangements for the limitation and classification of personnel and for appropriate notification thereof to the host Government.

3. The Government of the Republic of Colombia shall grant, upon request of the Chief of the Diplomatic Mission of the country represented, exemption from customs duties on articles imported for the personal use of such personnel and of members of their families.

Article VI

Existing arrangements relating to Armed Forces missions of the United States of America established under other instruments are not affected by this Agreement and will remain in full force.

Article VII

Having reference to the principle of mutual aid, under which the two Governments have agreed, as provided in Article I, to furnish assistance to each other, the Governments of the United States of America and the Republic of Colombia hereby reaffirm Resolutions XIII and XVI of the Final Act of the Fourth Meeting of Consultation of Ministers of Foreign Affairs of the American States, held at Washington in 1951. These resolutions embody decisions taken by the American States for the purpose of increasing the production of basic and strategic materials and providing one another with materials, products, and services required for the defense emergency.

Article VIII

In the interest of their mutual security, the Government of the Republic of Colombia will cooperate with the Government of the United States of America in those measures with respect to which agreement may be reached between the two Governments and which are designed to control trade with nations which threaten the security of the Western Hemisphere.

Article IX

The Government of the Republic of Colombia, reaffirming its determination to join in promoting world understanding and good will and maintaining world peace, to proceed as may be mutually agreed upon to eliminate causes of international tension, and to fulfill the military obligations which it has assumed under multilateral or bilateral agreements or treaties to which the United States and Colombia are parties, will 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 defensive strength and the defensive strength of the free world, and will take all reasonable measures which may be needed to develop its defense capacities.

Article X

Whereas this Agreement has been negotiated and concluded on the basis that the Government of the United States of America will extend to the other party thereto the benefits of any provision in a similar agreement concluded by the Government of the

United States of America with any other American Republic, it is understood that the Government of the United States of America will interpose no objection to the modification of this Agreement in order that its provisions may conform to the corresponding provisions of any similar Military Assistance Agreement, or agreements amendatory thereto, concluded with another American Republic.

Article XI

1. This Agreement shall enter into force on the date of signature, and shall continue in force until one year after the receipt by either party of written notice of the intention of the other party to terminate it, except that the provisions of Article I, paragraphs 2 and 4 and agreements made pursuant to the provisions of Article I, paragraphs 3, 5 and 6 and of Article III shall remain in force unless otherwise agreed by the two Governments.

2. The two Governments shall, upon the request of either of them, consult regarding any matter relating to the application or amendment of this Agreement.

3. This Agreement shall be registered with the Secretary-General of the United Nations.

I have the honor to propose that, if the understandings meet with the approval of the Government of Colombia, the present note and your note concurring therein will constitute an agreement on these understandings.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

Capus WAYNICK

His Excellency Señor doctor don Gonzalo Restrepo Jaramillo
Minister of Foreign Affairs
Bogotá

II

The Colombian Minister of Foreign Affairs to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE RELACIONES EXTERIORES

No. GM 216

Bogotá, abril 17 de 1952

Señor Embajador :

Tengo el honor de referirme a la nota de Vuestra Excelencia Número 307 de esta fecha, por la cual me comunica el texto del Acuerdo de Asistencia Militar entre la República de Colombia y los Estados Unidos de América, instrumento que ha sido concertado en las conversaciones adelantadas en la ciudad de Bogotá por los representantes de nuestros respectivos gobiernos, y cuyo texto castellano es del siguiente tenor :

Me complace en manifestar a Vuestra Excelencia que el Gobierno de la República de Colombia acepta todas y cada una de las estipulaciones del Acuerdo preinserto y está dispuesto a considerarlo como uno de los instrumentos que regulen la cooperación de nuestras dos naciones para el mantenimiento de la paz y la seguridad en el Hemisferio Occidental.

Reitero al Señor Embajador las seguridades de mi más alta y distinguida consideración.

Gonzalo RESTREPO JARAMILLO

A Su Excelencia Señor Capus M. Waynick
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América
La Ciudad

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS

No. GM 216

Bogotá, April 17, 1952

Mr. Ambassador :

I have the honor to refer to Your Excellency's note No. 307 dated today, containing the text of the Military Assistance Agreement between the Republic of Colombia and the United States of America, an instrument which was agreed upon in the conversations held in the city of Bogotá by the representatives of our respective Governments and the Spanish text of which is of the following tenor :

[See note I]

I am happy to inform Your Excellency that the Government of the Republic of Colombia accepts each and all of the provisions of the foregoing Agreement and is prepared to consider it one of the instruments regulating the cooperation of our two countries in maintaining peace and security in the Western Hemisphere.

I renew to Your Excellency the assurances of my highest and most distinguished consideration.

Gonzalo RESTREPO JARAMILLO

His Excellency Capus M. Waynick
Ambassador Extraordinary and Plenipotentiary
of the United States of America
City

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

² Traduction du Gouvernement des États-Unis d'Amérique.