

No. 2687

**UNITED STATES OF AMERICA
and
BRAZIL**

**Military Assistance Agreement. Signed at Rio de Janeiro,
on 15 March 1952**

Official texts: English and Portuguese.

Registered by the United States of America on 6 October 1954.

**ÉTATS-UNIS D'AMÉRIQUE
et
BRÉSIL**

**Accord relatif à l'assistance militaire. Signé à Rio-de-Janeiro,
le 15 mars 1952**

Textes officiels anglais et portugais.

Enregistré par les États-Unis d'Amérique le 6 octobre 1954.

No. 2687. MILITARY ASSISTANCE AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE UNITED STATES OF BRAZIL. SIGNED AT RIO DE JANEIRO, ON 15 MARCH 1952

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

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 designated for these purposes Plenipotentiaries who have agreed as follows :

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

¹ Came into force on 19 May 1953, by notice given to the Government of the United States of America of the ratification of the agreement by the Government of Brazil, in accordance with article XII.

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

³ United States of America : 63 Stat. 714 ; 22 U. S. C. §§ 1571-1604.

⁴ United States of America : 65 Stat. 373.

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. Such assistance shall be so designed as to promote the defense of the Western Hemisphere and be in accordance with defense plans under which both Governments will participate in missions important to the defense 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 by the exchange of notes to carry out the provisions of this paragraph.

2—Each Government undertakes to make effective use of assistance received from the other Government 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 of the Western Hemisphere, and will not, without prior agreement of the other Government, devote such assistance to purposes other than those for which it was furnished. 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.

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 originally 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 each Government undertakes not to transfer to any person not an officer or employee or agent of such Government, or to any other Government, title to or possession of any equipment, materials, or services furnished under this Agreement without the prior agreement of the other Government. 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—If the funds allotted for implementing any assistance programs undertaken by the Government of the United States of America under the present agreement are made subject to any judicial process in the Republic of the United States of Brazil which would obstruct or make difficult their free and immediate use for the purposes for which they were originally intended, the Brazilian Government will promptly take action to insure, for the execution of such programs and achieve-

ment of such objectives, a contribution equivalent to the funds referred to ; for this purpose the Administration will utilize funds at its disposition or will request them from the National Congress.

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 a clause whereby each Government will assume the responsibility for all claims of its nationals arising under such arrangements, and such claims arising in its jurisdiction of nationals of any country not a party to this Agreement.

Article IV

1—The Government of the Republic of the United States of Brazil agrees to make available to the Government of the United States of America funds in an amount to be agreed upon in Brazilian currency for the use of the latter Government for expenses of administration of services it will execute in implementing the objectives of the Mutual Security Act of 1951 in the Republic of the United States of Brazil.

2—The two Governments will forthwith initiate discussions with a view to determining the amount of Brazilian currency and to agreeing upon arrangements for the furnishing of such currency.

Article V

The Government of the Republic of the United States of Brazil will, except as otherwise agreed, grant duty-free treatment and exemption from internal taxation upon importation or 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 VI

1—Each Government upon being appropriately advised agrees to receive personnel of the other Government who will discharge responsibilities of the other 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 incident to diplomatic status, 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 senior Army, Navy and Air Force officers and their respective immediate deputies.

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

3—The Government of the Republic of the United States of Brazil shall grant, upon request of the Chief of the Diplomatic Mission of the United States of America, exemption from customs duties on articles imported for the personal use of such personnel and of members of their families. Should it become necessary to send Brazilian personnel to the United States of America in connection with the provision of military assistance by the Republic of the United States of Brazil to the United States of America, the United States Government shall grant, upon the request of the Chief of the Brazilian Diplomatic Mission, exemption from customs duties on articles imported for the personal use of such personnel and of members of their families.

Article VII

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 VIII

In conformity with the principle of mutual aid, as provided in Article I, the two Governments hereby reaffirm Resolutions XII, XIII, XIV and XVI set forth in the Final Act of the Fourth Meeting of Consultation of the Ministers of Foreign Affairs of American States, held in Washington in 1951, which embody decisions taken by American States for the purpose of cooperating technically and financially with a view to increasing production of basic and strategical materials and providing one another with materials, products and services required for their

common defense. Transfers of materials will be effected according to legislation in force and specific agreements already existing or to be negotiated.

Article IX

In the interest of mutual security, each Government will cooperate with the other in the adoption and application of measures of economic defense and commercial controls destined to protect the Western Hemisphere against threats from any country.

Article X

1—The two Governments reaffirm their determination to collaborate in promoting international 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 assumed under bilateral and multilateral agreements or treaties to which both are parties.

2—The Government of the Republic of the United States of Brazil will make, consistent with the political and economic stability of the country, the full contribution permitted by its manpower, resources, facilities and general economic conditions to the development and maintenance of its defensive strength, the defensive strength of the Western Hemisphere and of the Free World, and will take all reasonable measures which may be needed to develop its defensive capacities.

Article XI

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 amending this Agreement in order that its provisions may conform, in whole or in part, to the corresponding provisions of any similar Military Assistance Agreement, or agreements amendatory thereto, concluded with an American Republic.

Article XII

1—This Agreement shall come into force when the Government of the Republic of the United States of Brazil shall have notified the Government of the United States of America of its ratification and shall continue in force until one year after the receipt by either Party of written notice 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 Secretariat of the United Nations.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed the present Agreement, in duplicate in the English and Portuguese languages, and have affixed thereto their seal, in Rio de Janeiro this fifteenth day of March, 1952.

For the United States of America :

Herschel V. JOHNSON

[SEAL]

For the Republic of the United States of Brazil :

João NEVES DA FONTOURA

[SEAL]