

No. 2482

**UNITED STATES OF AMERICA
and
CHILE**

**Military Assistance Agreement. Signed at Santiago, on 9 April
1952**

Official texts: English and Spanish.

Registered by the United States of America on 5 February 1954.

**ÉTATS-UNIS D'AMÉRIQUE
et
CHILI**

**Accord d'assistance militaire. Signé à Santiago, le 9 avril
1952**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 5 février 1954.

No. 2482. MILITARY ASSISTANCE AGREEMENT¹ BETWEEN THE REPUBLIC OF CHILE AND THE UNITED STATES OF AMERICA. SIGNED AT SANTIAGO, ON 9 APRIL 1952

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

In accordance with 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 American Continent ;

With the intent of fostering peace and security within the framework of the Charter of the United Nations and of cooperating fully with the purposes and endeavors of the United Nations, through measures which will increase the ability of nations interested in accomplishing the purposes and furthering the principles of the Charter to participate effectively in arrangements for individual and collective self-defense ;

Reaffirming their determination to give their full cooperation to the collective security efforts of the United Nations in accordance with the Charter and the international endeavors 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 mutual assistance ;

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 11 July 1952 by the receipt by the Government of the United States of America of a notification of the ratification from the Government of Chile, in accordance with article XI.

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 Governments furnishing such assistance may authorize in accord with their respective Constitutions and in accordance with such terms and conditions as may be agreed for the fulfillment of this Agreement. 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 Hemisphere and be in accordance with defense plans which may be accepted by both Parties under which both Governments will participate in missions important to the defense of the Hemisphere within the region defined in Article 4 of the Inter-American Treaty of Reciprocal Assistance. 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 and conditions of the Mutual Defense Assistance Act of 1949, the Mutual Security Act of 1951, acts amending and supplementing the same and pertinent appropriation acts. The two Governments will, when necessary, negotiate detailed arrangements to carry out the provisions of this paragraph.

2. The Government of the Republic of Chile 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, which may be accepted by the two Governments, under which they will participate in missions important to the defense and maintenance of the peace of the Western Hemisphere, and, unless otherwise mutually agreed, will devote such assistance exclusively to the purposes indicated in Paragraph 1 of this Article.

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 of both Governments, the Government of the Republic of Chile undertakes not to transfer 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.

5. All funds or materials of any nature allocated to or derived from any program of assistance undertaken by the Government of the United States of America under the laws cited in this Article shall not be subject to garnishment, attachment, seizure or other legal or administrative process by any person, firm, entity, corporation, organization or government.

6. Each of the Governments, in accord with the other, will take security measures 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 the request of either of them, negotiate appropriate arrangements between them providing for the methods and terms of the exchange of patent rights and technical information for defense, which will expedite such exchanges and at the same time protect private interests and maintain necessary security safeguards.

Article IV

1. Subject to the provision of the necessary appropriations, the Government of the Republic of Chile undertakes to make available to the Government of the United States of America sums in local currency, in an amount to be agreed upon, for the use of the latter Government for its administrative and operating expenses in connection with carrying out this Agreement in Chile.

2. The Government of the Republic of Chile 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 the 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 other Government in connection with the implementation of this Agreement. Such personnel will be accorded reasonable facilities to observe the progress of assistance furnished pursuant to this Agreement. Such personnel will operate as part of the Embassy, under the direction of the corresponding Chief of Diplomatic Mission, and shall have the same immunities and prerogatives as other personnel of the Embassy with corresponding rank.

2. In order to carry out the provisions of the preceding paragraph, the two Governments, by common accord, will establish regulations governing the classification of such personnel. Such personnel will consist exclusively of nationals of the sending country. It is understood between the two Governments that the number of such personnel will be kept as low as possible.

3. The Government of the Republic of Chile shall accord the United States personnel sent pursuant to this Article the same privileges as are conferred on

members of the United States Navy¹ and Air Force² Missions to Chile under Article XVII of the Agreements of February 15, 1951.

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

Article VI

Existing Agreements relating to armed forces missions of the United States of America will not be affected by this Agreement and will remain in full force.

Article VII

In conformity with the principle of mutual aid, under which the two Governments have agreed as provided in Article I, to furnish assistance to each other, the Government of the Republic of Chile agrees to facilitate insofar as possible the production and transfer to the Government of the United States of America for such period of time, in such quantities and upon such terms and conditions as may be agreed upon, of raw, semi-processed and processed strategic 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 the Republic of Chile. Arrangements for such transfers shall give due regard to requirements for domestic use and commercial export of the Republic of Chile.

Article VIII

In the interest of their mutual security, the two Governments by mutual accord, will take measures designed to control trade with nations which threaten the security of the Continent.

Article IX

The two Governments reaffirm their determination to join 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 multilateral or bilateral agreements and treaties to which both are parties. The Government of the Republic of Chile will make the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its defensive strength as well as that of the free world, and will take all reasonable measures which may be needed to develop its defense capacities.

¹ United Nations, *Treaty Series*, Vol. 133, p. 117.

² United Nations, *Treaty Series*, Vol. 133, p. 95.

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 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 XI

1. This agreement shall enter into force on the date of receipt by the Government of the United States of America of notification in writing from the Government of the Republic of Chile of ratification of the Agreement in accordance with the constitutional procedures of Chile, 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. In any event, notwithstanding the denouncement or termination of this Agreement, the provisions of Paragraphs 2, 3, 4, 5 and 6 of Article I will continue in force until the Parties agree to the contrary. The arrangements referred to in Article III shall terminate in conformity with the stipulations established in said arrangements.

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.

DONE in duplicate, in the English and Spanish languages, both equally authentic, at Santiago, this ninth day of April, 1952.

For the Government of the Republic of Chile :

By Eduardo YRARRÁZAVAL CONCHA

For the Government of the United States of America :

By Claude G. BOWERS
