

No. 3894

**UNITED STATES OF AMERICA
and
HAÏTI**

**Military Assistance Agreement. Signed at Washington,
on 28 January 1955**

Official texts: English and French.

Registered by the United States of America on 19 June 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
HAÏTI**

**Accord relatif à l'aide militaire. Signé à Washington, le
28 janvier 1955**

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 19 juin 1957.

No. 3894. MILITARY ASSISTANCE AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HAITI. SIGNED AT WASHINGTON, ON 28 JANUARY 1955

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

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 legislation which provides 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 Government to the other;

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 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

¹ Came into force on 12 September 1955, by notification by the Government of Haiti to the Government of the United States of America of its ratification, in accordance with article XI.

² United Nations, *Treaty Series*, Vol. 21, p. 77; Vol. 26, p. 417; Vol. 82, p. 330, and Vol. 209, p. 330.

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 applicable United States legislation. 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 Haiti 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 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. It is understood that the Government of the Republic of Haiti will not undertake any act of aggression against any nation.

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 Haiti 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.

5. The two Governments will establish procedures whereby the Government of the Republic of Haiti 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 relating to the exchange of patent rights and technical information for defense in order to expedite such exchanges and at the same time protect private interests and maintain security safeguards.

Article IV

1. The Government of the Republic of Haiti will from time to time make available to the Government of the United States of America Haitian gourdes in amounts to be agreed for the use of the latter Government for its administrative and operating expenditures in connection with carrying out the purposes of the Mutual Security Act of 1954.

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

2. The Government of the Republic of Haiti will, except as may otherwise be 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.

3. The operations and expenditures effected in Haiti by or on behalf of the Government of the United States of America for the common defense effort including those carried out as a consequence of any other foreign aid program will be relieved from all taxation. To this end the Government of the Republic of Haiti will prescribe pertinent procedures satisfactory to both Governments.

Article V

1. The Government of the Republic of Haiti will receive personnel of the Government of the United States of America who will discharge responsibilities

of the Government of the United States of America in connection with the implementation of this Agreement. Such personnel will be accorded facilities for continuous observation and review of programs of assistance under this Agreement, including the utilization of any such assistance. Such personnel who are nationals of the United States of America, 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 United States of America, 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 the senior Army, Navy and Air Force officer 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 Haiti will grant, upon request of the Chief of the Diplomatic Mission of the Government of the United States of America, exemption from import and export duties on articles imported for the personal use of such personnel and of members of their families and will take adequate administrative measures to facilitate and expedite the importation and exportation of the personal property of such individuals and 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

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 Haiti will facilitate 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 and semi-processed 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 Haiti and in territories under its sovereignty. Arrangements for such transfer shall give due regard to reasonable requirements for domestic use and commercial export of Haiti.

Article VIII

In the interest of their mutual security, the Government of the Republic of Haiti will cooperate with the Government of the United States of America in measures designed to control trade with nations which threaten the security of the Western Hemisphere.

Article IX

The two Governments reaffirm their determination to join in promoting international understanding and goodwill and maintaining world peace, to take such action 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 Haiti will, consistent with its political and economic stability make the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its own 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 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 when the Government of the Republic of Haiti 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 intention of the other party to terminate it, except that the provisions of Article I, paragraphs 2 and 4 and arrangements 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.

DONE at Washington in duplicate in English and French languages, both texts equally authentic, on the twenty-eighth day of January 1955.

For the Government of the United States of America :

John Foster DULLES

For the Government of the Republic of Haiti :

Mauclair ZÉPHIRIN
