

No. 7615

**UNITED STATES OF AMERICA
and
DOMINICAN REPUBLIC**

**Military Assistance Agreement. Signed at Santo Domingo,
on 8 March 1962**

Official texts: English and Spanish.

Registered by the United States of America on 26 February 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE DOMINICAINE**

**Accord d'assistance militaire. Signé à Saint-Domingue,
le 8 mars 1962**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 26 février 1965.

No. 7615. MILITARY ASSISTANCE AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINICAN REPUBLIC. SIGNED AT SANTO DOMINGO, ON 8 MARCH 1962

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

In accordance with the commitments which they made in the Inter-American Treaty of Reciprocal Assistance² and in other international instruments to assist any American State that is the victim of an armed attack and to act jointly in the common defense and in the maintenance of the peace and security of the American Continent ;

Desiring to promote peace and security within the framework of the Charter of the United Nations through measures that will increase the ability of nations dedicated to fulfilling the aims and principles of the Charter to participate effectively in agreements for self-defense, both individual and collective, in support of those aims and principles ;

Reaffirming their determination to co-operate fully in the collective security efforts of the United Nations in accordance with the Charter and with international efforts to reach an understanding on the universal regulation and reduction of armaments with adequate guarantees against violation ;

Taking into consideration the support which 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 that will govern the furnishing of such mutual assistance ;

Have agreed as follows :

Article I

1. Each government will provide or continue to provide the other with the defense articles and defense services, or other military assistance which the governments

¹ In accordance with article IX (1), the Agreement came into force on 10 June 1964, the date of receipt by the Government of the United States of a notification in writing from the Government of the Dominican Republic of ratification of the Agreement in conformity with the constitutional procedures of the Dominican Republic.

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

providing such assistance authorize in accordance with their respective constitutions and with such terms and conditions as may be agreed upon under this agreement. The furnishing of the assistance authorized by either of the parties to this agreement shall be consistent with the Charter of the United Nations and the Inter-American Treaty of Reciprocal Assistance. The assistance provided by the Government of the United States of America under this agreement shall be subject to the terms and conditions of the Foreign Assistance Act of 1961, acts amendatory and supplementary thereto and appropriation acts thereunder. In conformity with their respective constitutional procedures, the two governments through appropriate representatives shall, from time to time, enter into detailed arrangements to carry out the provisions of this agreement. Pursuant to such arrangements, military assistance may be furnished either for the purpose of internal security requirements or for the purpose of defense missions which are important to the maintenance of peace and security in the Western Hemisphere.

2. The Government of the Dominican Republic undertakes to make effective use, pursuant to the terms of this agreement, of military assistance received hereunder for the purpose furnished. The Government of the Dominican Republic will offer for return to the United States of America any defense articles furnished, other than on a reimbursable basis, by the Government of the United States of America under this agreement which are no longer required for the purpose specified in the detailed arrangements provided for in paragraph 1 of this article.

3. The Government of the Dominican Republic will not permit any use of defense articles and defense services furnished under this agreement by anyone not an officer, employee, or agent of the Government of the Dominican Republic. The Government of the Dominican Republic will not transfer, or permit any officer, employee, or agent of that country to transfer, such defense articles and defense services by gift or otherwise.

4. Funds or materials of any nature allocated to or derived from any military assistance program undertaken by the Government of the United States of America pursuant to the laws cited in this agreement, shall not be subject to garnishment, attachment, seizure, or any other judicial or administrative procedure instituted in the Dominican Republic by any person, firm, agency, corporation, organization, or government.

5. The Government of the Dominican Republic will maintain the security of defense articles and defense services furnished under this agreement, and will provide substantially the same degree of security protection afforded to such articles and services by the Government of the United States of America.

6. The Government of the Dominican Republic will not, without mutual agreement of the representatives referred to in Article I, paragraph 1, use or permit the

use of defense articles and defense services furnished under this agreement for purposes other than those for which furnished.

Article II

Each government will take appropriate steps, consistent with its security, to keep the public informed of the measures adopted under this agreement.

Article III

The two governments will, at the request of either of them, negotiate appropriate arrangements between them to make available patent licenses and technical information required to accomplish the purposes of this agreement. In such negotiations consideration shall be given to the inclusion of obligations under which each of the two governments will assume responsibility for any claims of its nationals arising from such arrangements, as well as claims presented within its jurisdiction by nationals of any country not a party to this agreement.

Article IV

Unless otherwise agreed, the Government of the Dominican Republic will 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 similar agreements between the United States of America and any other country receiving military assistance.

Article V

1. In connection with the receipt of military assistance under this agreement, the government receiving such assistance will accept personnel of the sending government who shall be nationals of the sending government and who will discharge duties entrusted to them by such sending government in discharging its responsibilities under this agreement. Such personnel shall be granted reasonable facilities and services, including office space, custodial services, and suitable motor transportation, necessary to enable them to perform their duties in connection with this agreement, and to observe the progress of assistance furnished under this agreement. Such personnel shall function as part of the Embassy of the sending country under the direction of the Chief of that Embassy, and shall be accorded the privileges and immunities accorded to the Embassy personnel of comparable rank or grade.

2. With a view to carrying out the provisions of the preceding paragraph, the two governments will issue mutually agreed regulations governing the classification of such personnel. The two governments agree that the number of such personnel will be kept as small as possible.

3. At the request of the Chief of Embassy of the sending country, the receiving government will grant exemption from customs duties on articles imported for the use of such personnel and their families. Privileges and courtesies incidental to their diplomatic status may be waived by the sending government.

4. It is understood that personnel of the country receiving military assistance under this agreement shall not be entitled to exemption from customs duties or to other privileges and immunities by virtue of their presence in the sending country in connection with the receipt of such assistance.

Article VI

In the interest of their mutual security, the two governments will take such measures as may be mutually agreed to control trade with nations that threaten the security of the continent.

Article VII

Both governments reaffirm their determination to join their efforts in the task of promoting international understanding and good will and of maintaining world peace, to proceed, as may be mutually agreed, to eliminate causes of international tension, and to fulfill the military obligations assumed under multilateral or bilateral agreements and treaties to which they are both parties. The Government of the Dominican Republic will make the full contribution permitted by its manpower and economic conditions to the development and maintenance of its defensive strength and that of the free world, and will take all reasonable measures as may be needed to develop its defense capacities.

Article VIII

Considering that this agreement has been negotiated and concluded on the basis that the Government of the United States of America will extend to the Government of the Dominican Republic at its request the benefits of any provision of such a Military Assistance 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 raise no objection to amending this agreement to the end that its provisions may conform in the whole or in part to the corresponding provisions of any similar Military Assistance Agreement, or agreements amendatory thereto, concluded with any other American Republic.

Article IX

1. This agreement shall enter into force on the date of receipt by the Government of the United States of a notification in writing from the Government of the Dominican

Republic of ratification of the agreement in conformity with the constitutional procedures of the Dominican Republic, and shall continue in force until one year after either government receives from the other written notice of that government's intention to terminate it. In any case, notwithstanding a declaration of intention to terminate this agreement, the provisions of paragraphs 2, 3, 5, and 6 of Article I shall continue in force until the two governments agree to the contrary. The arrangements referred to in Article III shall terminate in accordance with the stipulations set forth in the said arrangements.

2. The two governments, at the request of either of them, will consult on any matter concerning the application or amendment of this agreement.

This agreement shall be registered with the Secretary General of the United Nations.

DONE in Santo Domingo, National District, Dominican Republic, on the 8th day of March, 1962, in two authentic originals in the English and Spanish languages.

For the Government of the United States of America :

John Calvin HILL Jr
Chargé d'Affaires, a.i.

For the Government of the Dominican Republic :

BONILLA ATILES
Secretary of State for Foreign Affairs

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