Basic Agreement for Technical Cooperation

The Government of the United States of America and the Government of the Republic of Chile,

Have agreed as follows:

Article I
Assistance and Cooperation

1. The Government of the United States of America and the Government of the Republic of Chile undertake to cooperate with each other in the interchange of technical knowledge and skills and in related activities designed to contribute to the balanced and integrated development of the economic resources and productive capacities of Chile. Particular technical cooperation programs and projects, and salaries and remuneration, ordinary and extraordinary, that may be established, will be subject to the provisions of such separate written agreements or understandings as may later be reached by the duly designated representatives of Chile and the Technical Cooperation Administration of the United States of America, or by other persons, agencies or organizations designated by the governments.

2. The Government of the Republic of Chile through its duly designated representatives in cooperation with representatives of the Technical Cooperation Administration, or other duly designated representatives of the United States of America, and representatives of appropriate international organizations will endeavor to coordinate and integrate all technical cooperation programs being carried on in Chile.

3. The Government of the Republic of Chile will cooperate in the mutual exchange of technical knowledge and skills with other countries participating in technical cooperation programs associated with that carried on under this Agreement.

4. The Government of the Republic of Chile will endeavor to make effective use of the results of technical projects carried on in Chile in cooperation with the United States of America.

5. The two governments will, upon the request of either of them, consult with regard to any matter relating to the application of this Agreement to project agreements heretofore or hereafter concluded between them, or to operations or arrangements carried out pursuant to such agreements.

Article II
Information and Publicity

1. The Government of the Republic of Chile will communicate to the Government of

the United States of America in a form and at intervals to be mutually agreed upon:

a. Information concerning projects, programs, measures and operations carried on under this Agreement including a statement of the use of funds, materials, equipment and services provided thereunder;

b. Information regarding technical assistance which has been or is being requested of other countries or of international organizations.

2. Not less frequently than once a year, the Governments of the United States of America and the Republic of Chile will make public in their respective countries periodic reports on the technical cooperation programs carried on pursuant to this Agreement. Such reports shall include information as to the use of funds, materials, equipment and services.

3. The Governments of the United States of America and the Republic of Chile will endeavor to give full publicity to the objectives and progress of the technical cooperation program carried on under this Agreement.

Article III
Program and Project Agreements

1. The program and project agreements referred to in Article I, Paragraph 1 above, will include provisions relating to policies, administrative procedures, the disbursement of and accounting for funds, the contribution of each party to the cost of the program or project, and the furnishing of detailed information of the character set forth in Article II, Paragraph 1 above.

2. Any funds, materials and equipment introduced into Chile by the Government of the United States of America pursuant to such program and project agreements shall be exempt from duties, taxes, charges, investment or deposit requirements and currency controls.

3. The Government of the Republic of Chile agrees to bear a fair share of the cost of technical cooperation programs and projects.

Article IV
Personnel

All employees of the Government of the United States of America assigned to duties in Chile in connection with cooperative technical assistance programs and projects and accompanying members of their families shall be exempt from all Chilean income taxes and social security taxes with respect to income upon which they are obligated to pay income or social security taxes to the Government of the United States of America. Such employees and accompanying members of their families shall receive the same treatment with respect to exemptions from customs and import duties on personal effects, equipment and supplies imported into Chile for their own use, as is accorded by the Government of the Republic of Chile to

diplomatic personnel of the United States Embassy in Santiago.

Article V
Entry into Force, Amendment, Duration

1. This Agreement shall enter into force on the day on which it is signed, except that those provisions which, under the Constitution of the Republic of Chile, require legislative approval, shall enter into force on the date of such approval. (footnote: Agreement entered into force July 27, 1951. No part of the agreement is considered as having entered into force before that date.) It shall remain in force until three months after either government shall have given notice in writing to the other of intention to terminate the Agreement.

2. If, during the life of this Agreement, either government should consider that there should be an amendment thereof, it shall so notify the other government in writing and the two governments shall thereupon consult with a view to agreeing upon the amendment.

3. Subsidiary project and other agreements and arrangements which may be concluded may remain in force beyond any termination of this Agreement, in accordance with such arrangements as the two governments may make.

4. This Agreement is complementary to and does not supersede existing agreements between the two governments except insofar as other agreements are inconsistent herewith.

Done in duplicate, in the English and Spanish languages, at Santiago this sixteenth day of January, 1951.

SIGNATORIES:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Claude G. Bowers

FOR THE GOVERNMENT OF THE REPUBLIC OF CHILE:

Horacio Walker Larrain

Agreement signed at Santiago January 16, 1951;
entered into force July 27, 1951.
TIAS 2403, 3 U.S.T. 390

********** Spanish Text **********

Acuerdo Basico para Cooperacion Tecnica

El Gobierno de la Republica de Chile y el Gobierno de los Estados Unidos de America, han acordado lo que sigue:

Articulo I.
Ayuda y Cooperacion.

1.-El Gobierno de la Republica de Chile y el Gobierno de los Estados Unidos de America se comprometen a cooperar mutuamente en el intercambio de conocimientos tecnicos y especializados y en las actividades relativas a ellos, con el objeto de contribuir al desarrollo equilibrado e integral de los recursos economicos y capacidades productivas de Chile. Los programas especiales y proyectos de cooperacion tecnica y los sueldos y remuneraciones ordinarias y extraordinarias que se establezcan, estaran sujetos a las disposiciones de aquellos acuerdos escritos o entendimientos a que puedan llegar por separado mas adelante los representantes debidamente designados de Chile y la Administracion de Cooperacion Tecnica de los Estados Unidos de America, o por otras personas, agencias u organizaciones designadas por los Gobiernos.

2.-El Gobierno de la Republica de Chile por intermedio de sus representantes debidamente designados, en colaboracion con los de la Administracion de Cooperacion Tecnica u otros, debidamente designados, de los Estados Unidos de America y representantes de las Organizaciones internacionales correspondientes, se esforzaran en coordinar e integrar todos los programas de cooperacion tecnica en ejecucion en Chile.

3.-El Gobierno de la Republica de Chile cooperara en el mutuo intercambio de conocimientos tecnicos y especializados con otros paises que participen en programas de cooperacion tecnica relacionados con los que se realicen en conformidad a este Acuerdo.

4.-El Gobierno de la Republica de Chile se esforzara por aprovechar en forma efectiva los resultados de los proyectos tecnicos realizados en Chile en cooperacion con los Estados Unidos de America.

5.-Ambos Gobiernos, a peticion de cualquiera de ellos, se consultaran sobre los asuntos relacionados con la aplicacion de este Acuerdo Basico, sobre los acuerdos tecnicos concluidos hasta ahora o que se concluyan en adelante entre ellos o sobre las operaciones o arreglos realizados en conformidad a dichos instrumentos.

Articulo II
Informacion y Publicidad.

1.-El Gobierno de la Republica de Chile suministrara al Gobierno de los Estados Unidos de America en la forma y a los intervalos que se acordaran mutuamente:

a. Informaciones concernientes a proyectos, programas, medidas y

operaciones realizados en conformidad a este Acuerdo, incluso un estado del empleo de fondos, materiales, equipo y servicios proporcionados de conformidad con ellos;

b. Informacion en cuanto a la ayuda tecnica que ha sido pedida o que se pida de otros paises o de organizaciones internacionales.

2.-A lo menos una vez al ano, los Gobiernos de la Republica de Chile y de los Estados Unidos de America daran a la publicidad en sus respectivos paises informes periodicos sobre los programas de cooperacion tecnica realizados en conformidad a este Acuerdo. Dichos documentos incluiran informacion en cuanto al empleo de fondos, materiales, equipo y servicios.

3.-Los Gobiernos de la Republica de Chile y de los Estados Unidos de America se esforzaran en dar plena publicidad a los objetivos y al desarrollo del programa de cooperacion tecnica realizado en conformidad a este Acuerdo.

Articulo III
Programa y Acuerdos Tecnicos.

1.-El programa y acuerdos tecnicos a que se refiere el articulo I, parrafo 1, contendran disposiciones relativas a normas, procedimientos administrativos, desembolsos y contabilidad de fondos, a la contribucion de cada parte en el costo del programa o proyecto y a la informacion detallada del tipo establecido en el articulo II, parrafo 1.

2.-Los fondos, materiales y equipo introducidos en Chile por el Gobierno de los Estados Unidos de America en conformidad a dichos programas y acuerdos tecnicos, estaran exentos de derechos, impuestos, tasas, requisitos de inversion o depositos y control de monedas.

3.-El Gobierno de la Republica de Chile acepta hacerse cargo de una parte equitativa del costo de los programas y proyectos de cooperacion tecnica.

Articulo IV
Del Personal.

Todos los empleados del Gobierno de los Estados Unidos de America destinados al servicio en Chile en relacion con los programas y proyectos cooperativos de ayuda tecnica y los miembros de sus familias estaran exentos de todo impuesto a la renta e impuestos establecidos en leyes sociales que se apliquen en Chile, siempre que dichos empleados estuvieren afectos a estos impuestos en los Estados Unidos de America en relacion con dicha renta. Los empleados referidos y los miembros de sus familias recibiran el mismo tratamiento, con respecto a la exencion de derechos de aduanas y derechos de internacion sobre efectos personales, equipo y articulos importados en Chile para su uso personal, que acuerda el Gobierno de la Republica de Chile al personal diplomatico de la Embajada de los Estados Unidos de America en Santiago.

Articulo V
Entrada en Vigencia, Enmienda, Duracion.

1. El presente Acuerdo entrara en vigencia el dia de su firma, excepto para aquellas disposiciones que requieran la aprobacion legislativa, las cuales entraran en vigencia en la fecha de dicha aprobacion. Regira hasta tres meses despues del aviso que cualquiera de los Gobiernos de al otro por escrito, de su intencion de ponerle termino.

2.-Si durante la vigencia de este Acuerdo cualquiera de los Gobiernos considerara que es preciso enmendarlo, asi lo notificara al otro Gobierno por escrito y los dos Gobiernos se consultaran sobre ello con el objeto de llegar a un acuerdo sobre la enmienda.

3.-Los proyectos subsidiarios y otros acuerdos y arreglos que lleguen a celebrarse pueden seguir en vigencia mas alla de cualquiera terminacion de este Acuerdo, en conformidad con los arreglos a que puedan llegar los dos Gobiernos.

4.-Este Acuerdo no reemplaza los acuerdos existentes entre los dos Gobiernos excepto en los casos en que otros acuerdos sean incompatibles con el presente.

Dado en duplicado en idioma espanol e ingles, en Santiago, el dia dieciseis de enero de mil novecientos cincuenta y uno.

POR EL GOBIERNO DE LA REPUBLICA DE CHILE

Horacio Walker Larrain

POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA

Claude G. Bowers

***** Amendment to Basic Agreement for Technical Cooperation *****

The American Ambassador to the Chilean Minister for Foreign Affairs

AMERICAN EMBASSY,

Santiago, January 8, 1952.

No. 131

EXCELLENCY:

I have the honor to acknowledge receipt of Note No. 150 of January 7, 1952 (footnote: not printed), in which Your Excellency's Government states that it encounters no objections to incorporating a statement of principles in the Basic

Agreement for Technical Cooperation, signed on January 16, 1951, by His Excellency, Horacio Walker Larrain and the undersigned.

Accordingly, subject to confirmation of Your Excellency's Government, the following amendment may be considered to be in effect as of January 8, 1952:

"Pursuant to Article V, Paragraph 2 of the Basic Agreement for Technical Cooperation, signed on January 16, 1951, the Government of Chile and the Government of the United States of America hereby agree that said agreement is hereby amended by adding the following clause at the beginning of said Basic Agreement:

"Considering that the peoples of the United States and of Chile have a common interest in economic and social progress and that their cooperative efforts to exchange technical knowledge and skills will assist in achieving that objective and

"Considering that the interchange of technical knowledge and skills will strengthen the mutual security of both peoples, and develop their resources in the interest of maintaining their security and independence and

"Considering that the Government of the United States of America and the Government of Chile have agreed to join in promoting international understanding and good will and in maintaining world peace, and to undertake such action as they may mutually agree upon to eliminate causes for international tension,"

On behalf of my Government and myself personally, I wish to record our appreciation for the splendid cooperation received from Your Excellency's Government in arranging the inclusion of the above amendment to the Basic Agreement for Technical Cooperation.

Accept, Excellency, the renewed assurances of my highest consideration.

The Chilean Minister for Foreign Affairs to the American Ambassador

REPUBLICA DE CHILE

MINISTERIO DE RELACIONES EXTERIORES

DEPARTAMENTO DIPLOMATICO

Secc. Estados Americanos y Conferencias.

Santiago, 8 de Enero de 1952.

No 00151

SENOR EMBAJADOR:

Tengo el honor de referirme a la Nota de Vuestra Excelencia No 131, de fecha 8 del mes en curso, relativa a la incorporacion de una declaracion de principios en el Acuerdo Basico de Cooperacion Tecnica suscrito entre los Gobiernos de los Estados Unidos de Norteamerica y de Chile, con fecha 16 de Enero de 1951.

2.-La enmienda a que Vuestra Excelencia se refiere en la nota ya mencionada es del tenor siguiente:

"En conformidad al Articulo V, Parrafo 2 del Acuerdo Basico de Cooperacion Tecnica, firmado el 16 de Enero de 1951, el Gobierno de Chile y el Gobierno de los Estados Unidos de Norteamerica, acuerdan por estas presentes enmendar dicho Convenio, agregando la siguiente clausula al comienzo del mencionado Acuerdo Basico:

"Considerando que los pueblos de los Estados Unidos de Norteamerica y de Chile tienen un interes comun en el progreso economico y social y que sus esfuerzos cooperativos para el intercambio de conocimientos tecnicos y especializados habran de contribuir a realizar ese objetivo y

"Considerando que el intercambio de conocimientos tecnicos y especializados reforzara la seguridad mutua de ambos pueblos y desarrollara sus recursos en el interes del mantenimiento de su seguridad e independencia y

"Considerando que el Gobierno de los Estados Unidos de Norteamerica y el Gobierno de Chile han acordado unirse en el fomento de la comprension internacional y buena voluntad y en el mantenimiento de la paz mundial y para tomar aquellas medidas que mutuamente puedan acordar para eliminar las causas de tension internacional.-"

Me es muy grato expresar a Vuestra Excelencia la conformidad de mi Gobierno con la enmienda transcrita, cuyo texto, incluido en la nota de Vuestra Excelencia que contesto y en la presente nota, pasa a ser considerado desde esta fecha, como parte integrante del Acuerdo Basico de Cooperacion Tecnica.

Aprovecho esta oportunidad para reiterar a Vuestra Excelencia las seguridades de mi mas alta y distinguida consideracion.

Translation

REPUBLIC OF CHILE

MINISTRY OF FOREIGN AFFAIRS

DIPLOMATIC DEPARTMENT

Division of American States and Conferences.

Santiago, January 8, 1952.

No. 00151

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's note No. 131 of the 8th of the current month regarding the incorporation of a statement of principles in the Basic Agreement for Technical Cooperation signed by the Governments of the United States of America and Chile on January 16, 1951.

2. The amendment to which Your Excellency refers in the said note is of the following tenor:

[For the English language text of the note, see above.]

I am very happy to inform Your Excellency that my Government agrees to the above-quoted amendment, the text of which, contained in Your Excellency's note which I am answering and in this note, will from this date be considered an integral part of the Basic Agreement for Technical Cooperation.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

SIGNATORIES:

CLAUDE G. BOWERS

His Excellency

EDUARDO YRARRAZAVAL CONCHA,

Minister for Foreign Affairs of Chile, Santiago.

EDUARDO YRARRAZAVAL CONCHA

Al Excelentisimo

senor CLAUDE G. BOWERS

Embajador Extraordinario y Plenipotenciario de los Estados Unidos de Norteamerica, Presente.

EDUARDO YRARRAZAVAL CONCHA

His Excellency

CLAUDE G. BOWERS

Ambassador Extraordinary and Plenipotentiary of the United States of America, City.

Amendment above effected by exchange of notes;
signed at Santiago January 8,1952;
entered into force January 8, 1952.
TIAS 2627, 3 U.S.T. 4697

***** Amendment to the Basic Agreement for Technical Cooperation**

The Chilean Minister for Foreign Affairs to the American Ambassador

REPUBLICA DE CHILE MINISTERIO DE RELACIONES EXTERIORES

DEPARTAMENTO DIPLOMATICO

Seccion Organizacion Estados Americanos, Conferencias y Cooperacion Tecnica.

JHRS

Santiago, 17 de octubre de 1952.

No 08067

SENOR EMBAJADOR:

Tengo el honor de referirme a las Notas cambiadas con Vuestra Excelencia, con fecha 8 de enero del ano en curso, mediante las cuales se estipulaba que los Gobiernos de Chile y de los Estados Unidos "estableceran procedimientos por los cuales el Gobierno de Chile depositara, seleccionara o asegurara titulo a todo fondo asignado o derivado de cualquier programa de asistencia emprendido por el Gobierno de los Estados Unidos de Norteamerica, de manera que tales fondos no sean sometidos a entredicho, embargo, secuestro u otros procedimientos legales, por ninguna persona, firma, agencia, corporacion (sociedad), organizacion o Gobierno, cuando el Gobierno de Chile sea notificado por el Gobierno de los Estados [*2] Unidos de que dicho procedimiento legal habria de interferir en la realizacion de los objectivos del Programa de Asistencia."

El cambio de notas en referencia, como se expresa en las mismas, seria considerado como parte integrante del Acuerdo Basico de Cooperacion Tecnica, una vez cumplidos los tramites constitucionales de rigor.

Con posterioridad a dicho cambio de notas, el Congreso Nacional aprobo y este Gobierno ratifico el Convenio de Ayuda Militar entre Chile y los Estados Unidos de Norteamerica, en cuyo articulo primero, parrafo quinto, se dispone que "los fondos y

los materiales de toda especie adjudicados o procedentes de cualquier plan de ayuda emprendido por el Gobierno de los Estados Unidos de America en virtud de las leyes citadas en este articulo, no quedaran sujetos a secuestro, embargo, incautacion u otra medida judicial o administrativa entablada por cualquiera persona, firma, entidad, corporacion, organizacion o Gobierno".

Entiende este Gobierno que la clausula transcrita comprende plenamente la estipulacion que se pretendio establecer con el cambio de notas del 8 de enero, el que, en consecuencia, se hace innecesario.

Si el Gobierno de Vuestra Excelencia esta de [*3] acuerdo con este criterio, la presente nota y la respuesta de Vuestra Excelencia seran consideradas como la expresion de que el articulo citado del Convenio de Ayuda Militar entre Chile y los Estados Unidos de Norteamerica complementa el Acuerdo Basico de Cooperacion Tecnica vigente entre ambos paises y, por lo tanto, es aplicable a las situaciones en el previstas.

Aprovecho esta oportunidad para reiterar a Vuestra Excelencia las seguridades de mi mas alta y distinguida consideracion.

Translation

REPUBLIC OF CHILE

MINISTRY OF FOREIGN AFFAIRS

DIPLOMATIC DEPARTMENT

Organization of American States, Conferences, and Technical Cooperation Division.

JHRS

Santiago, October 17, 1952.

No. 08067

Mr. AMBASSADOR:

I have the honor to refer to the notes exchanged with Your Excellency on January 8 of this year (footnote: not printed), through which it was provided that the Governments of Chile and the United States "will establish procedures whereby the Government of Chile 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 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 the Government of Chile is advised by the Government of the United States that such legal process would interfere with the attainment of the

objectives of the program of assistance."

The aforementioned exchange of notes, as therein stated, would be considered as an integral part of the Basic Agreement for Technical Cooperation (footnote: dated Jan. 16, 1951) as soon as the necessary constitutional procedures were carried out.

Subsequent to the said exchange of notes, the National Congress approved, and this Government ratified the Military Assistance Agreement between Chile and the United States of America (footnote: dated Apr. 9, 1952), which provides, in article I, paragraph 5, that "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."

This Government considers that the clause transcribed fully covers the provision that it was sought to establish in the exchange of notes of January 8, which consequently becomes unnecessary.

In the event that Your Excellency's Government concurs in this opinion, this note and Your Excellency's reply shall be considered as an expression of the fact that the aforementioned article of the Military Assistance Agreement between Chile and the United States of America supplements the Basic Agreement for Technical Cooperation in force between the two countries and is therefore applicable to the situations envisaged therein.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

The American Ambassador to the Chilean Minister for Foreign Affairs

No. 47

SANTIAGO, October 17, 1952.

EXCELLENCY:

I have the honor to refer to Your Excellency's Note No. 8067 of October 17, 1952, stating that the Government of the Republic of Chile considers that an exchange of notes will suffice to amend the Basic Agreement for Technical Cooperation with respect to a clause described in Your Excellency's Note No. 152 of January 8, 1952 and No. 32 signed by me on the same date.

My Government is agreed that Article I, Paragraph 5 of the Military Assistance Agreement, approved by the Chilean Congress and ratified by Your Excellency's Government complements the clause described in the exchange of notes on January 8, 1952, and therefore may apply to the program undertaken under the Basic

Agreement for Technical Cooperation.

I am pleased, therefore, to concur with the views expressed in Your Excellency's Note No. 8067.

Accept, Excellency, the renewed assurances of my highest consideration.

SIGNATORIES:

F GARCIA-OLDINI

Excelentisimo senor don CLAUDE G. BOWERS,

Embajador de los Estados Unidos de Norteamerica, Presente.

F GARCIA-OLDINI

His Excellency

CLAUDE G. BOWERS,

Ambassador of the United States of America, City.

CLAUDE G. BOWERS

His Excellency

FERNANDO GARCIA-OLDINI,

Minister for Foreign Affairs of Chile, Santiago.

Understanding relating to the agreement of January 16, 1951.
Effected by exchange of notes
signed at Santiago October 17, 1952;
entered into force October 17, 1952.
TIAS 2704, 3 U.S.T. 5136