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ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

FACT-FINDING SUB-COMMITTEE

STATEMENT BY THE DELEGATION OF THE DOMINICAN REPUBLIC

Because of the far reaching significance of the Dominican Republic Settlement project, which grew out of the Conference of Evian convened in 1938 by the late President Roosevelt, and in view of the inquiries that the Dominican Delegation has received as to the manner in which the refugee settlement in the Dominican Republic came about, the Dominican Delegation wishes to bring to the attention of the Fact-Finding Sub-committee the terms of the agreement which created this settlement.

This document is perhaps a unique one in modern history.

Here we have a Government and a group of citizens engaged mutually to foster a humanitarian project for the rehabilitation of stateless and homeless refugees.

It is to the credit of the statesmanship of President Trujillo that this agreement was finally concluded and its terms successfully and faithfully complied with.

The agreement was duly validated and the necessary enabling legislation unanimously passed by the Dominican Congress in special sessions on 20 and 21 February 1940.

In bringing to the attention of the Fact-Finding Sub-committee the most significant aspects of this covenant, the Dominican Delegation has wished to make a further contribution to the deliberations of the Special Committee both in the hope that this document may be appraised in the light of possible activities of

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the future international organization on refugees, as well as to illustrate the spirit of enlightened collaboration of the Dominican Government in the resettlement of refugees.

AGREEMENT

DATED JANUARY 30, 1940

Ratified by the Dominican Congress in Special Sessions
at CIUDAD TRUJILLO, February 20 and 21, 1940.

ARTICLE I

RIGHTS OF SETTLERS

The Republic, in conformity with its Constitution and laws, hereby guarantees to the settlers and their descendants full opportunity to continue their lives and occupations free from molestation, discrimination or persecution, with full freedom of religion and religious ceremonials, with equality of opportunities and of civil, legal and economic rights, as well as all other rights inherent to human beings.

ARTICLE II

SELECTION AND ADMISSION OF SETTLERS

(a) The Republic shall receive and give every possible opportunity and help to the Jewish and non-Jewish settlers in order to leave their present residences, to enter and reside in the Dominican Republic and to make their livelihood, establish their permanent homes and acquire citizenship in the Dominican Republic in accordance with its Constitution and laws. Settlements shall progress gradually in the course of the number of years which may be desirable or necessary in order that the settlers may be placed in position to establish themselves as citizens of the Republic and to reimburse the Association for its expenditures on their behalf. It is understood that the Republic shall not be responsible either to the Association or any other institution whatsoever for any of the financial obligations of the settlers to the Association or for payment to the Association of any disbursements in which it may incur.

(b) The Association shall have the right to select the settlers who will be chosen in accordance with their fitness and technical ability for agriculture, industry, manufacture and trades. The Association will from time to time submit to the Republic through the Secretary of State for the Interior and Police the names of settlers thus chosen with statements as to their place of origin, abilities, experience and whatever other data may serve for their identification and evaluation of their special qualifications. The Association assumes full responsibility for the correctness of this information. The Republic will within the most reasonably brief time, examine the information thus submitted and will promptly decide on its admission. As soon as this shall take place, the Department of Foreign Relations of the Dominican Republic shall instruct Dominican consular officers to provide said settlers with the proper documentation for their trip and admission to the Republic, including visas and other formalities which may assist them to travel from their place of residence to the Dominican Republic, and said consular officers shall issue these documents to the settlers free of all costs, fees, taxes and any other charges. All settlers whose admission shall have thus been approved shall be freely admitted into the Dominican Republic upon their arrival at the Dominican port of entry.

(c) There shall be admitted to the Republic as the first contingent in one group or separate groups approximately 500 families of Jewish or non-Jewish settlers. There shall additionally and gradually later be admitted up to the number of 100,000 settlers in accordance with decision which in this respect shall be made jointly by the Republic and the Association. All settlers admitted to the Republic pursuant to this agreement shall have all rights granted and guaranteed by this agreement.

(d) The Association may furthermore recommend to the Republic the free admission in the manner previously stipulated of all those who may be specialized in their professions, trades or occupations, experts, artisans and other persons acceptable to the Republic.

ARTICLE III

TAXES

It is specifically agreed that the Executive Power of the Republic shall initiate a law to modify the Immigration Law now in force in order to exempt from all entry taxes, or similar taxes, present or future, the settlers covered by this agreement, who shall not be subject to any entry charges established by any subdivision of the Republic. Likewise, the Executive Power shall initiate a law by means of which there shall not be required of the persons who may come as settlers to Dominican territory, the deposits now required of navigation companies for the transportation of immigrants to the Dominican Republic, nor any other deposit of whatever nature, and so that these settlers may be permitted to bring with them, upon entering Dominican territory, free of duty and not for sale but for their own personal use in their agricultural enterprises and others incidental thereto, such furniture, personal effects, tools, equipment, materials and other instruments which they may need in order to establish themselves with economic solvency. It is understood that the present agreement shall become effective only after the Congress of the Republic shall have enacted, in accordance with the Constitution, the laws proposed in the present agreement, and likewise any other laws which may be necessary to give this agreement full legal force and validity.

ARTICLE IV

RIGHTS AND OBLIGATIONS OF THE ASSOCIATION

- (a) It shall be the duty of the Association to take care of and promote the economic life of the immigrants who enter the territory of the Republic for their enterprises;
- (b) The Association should maintain in the Dominican Republic an office or offices, and its representatives, experts, and other officials and employees shall enjoy full rights in order to carry out their mission within the territory of the Dominican Republic in accordance with this agreement and the Constitution and national laws of the Republic. Officers and employees of the Association shall receive from the Republic suitable documents enabling them freely and effectively to perform their duties, including travel within, to and from the Republic, and shall enjoy the co-operation of the Republic and its officials in the execution of their duties;
- (c) The Association shall not be subject to the payment of any tax on property, or other duties or contributions on the transactions or any other acts incidental thereto which refer exclusively to the fulfillment of the essential purpose of transporting and establishing within the territory of the Republic the settlers referred to in this agreement, or to the carrying out of projects of general interest in the establishment of said settlers, provided they do not imply competition with other similar activities open to private initiative;
- (d) The Association shall pay and supply or cause to be supplied all funds necessary to cover transportation expenses of settlers, their disembarkation and their needs in the Republic, until such time as they may become self-supporting.
- (e) The Association shall have the right to buy, lease, receive by donation, concession or exchange, alienate, and in general to acquire, possess or enjoy real or personal property, to burden, mortgage, lease,

sell, sub-lease, or otherwise dispose of, and in general to cede any of these rights to settlers or groups of settlers; to loan monies to them, sell them properties or in any form deal with the settlers as the Association may deem necessary or convenient; to make regulations as to the mode of economic activities and conditions of granting loans, etc. etc., to settlers; and in general, shall have full rights to deal with the settlers and with others, as it may see fit, in accordance with Dominican law;

(f) The Association shall have the right to equip and maintain or otherwise dispose of places for the reception, training and education of the settlers; to construct for them adequate dormitories, school buildings, houses of worship, dwellings, experimental agricultural fields and in general supervise and promote the physical, social, economic and spiritual wellbeing of the settlers, as well as to organize, foster and assist purchasing, selling, credit, production, and consumption co-operatives and other types of co-operatives among the settlers;

(g) The President or Vice-President of the Association or their designees, when carrying out any project of the Association in respect of which the laws of the Republic may require action or intervention by the Government, shall get in touch previously with the department or official entrusted with taking cognizance of such case;

(h) Nothing said or stipulated in this contract shall be construed as meaning that the shareholders, officers, directors or employees of the Association are or will be subject to any personal or individual responsibility by reason of this contract or for the acts, deeds or omissions of the Association or of the settlers;

(i) It is understood that under the terms of this agreement the settlers are not to be considered in any way as employees of the Association but merely as beneficiaries of its activities;

- (j) The Association shall have the right to take such steps and to petition the Executive Power of the Dominican Republic as may be necessary in the personal or collective interest of the settlers until such time as they may have acquired Dominican citizenship;
- (k) It is understood that the rights which settlers and the Association may acquire pursuant to this agreement or any acts thereunder shall not be abrogated by subsequent legislation, as the principle of non-retroactivity of laws established by Article 42 of the Constitution of the Republic does not permit it;
- (l) The Association shall have the right to engage in any lawful activities which it may deem necessary or convenient to carry out this agreement.

ARTICLE V

CO-OPERATION OF THE REPUBLIC

- (a) The Republic shall by all the means in its power, except when of a monetary nature, facilitate the efforts of the Association for the selection, construction and maintenance of adequate living quarters and other buildings which will so far as feasible be built with material existing within Dominican territory, and shall co-operate with the Association insofar as feasible for the proper employment of settlers in agricultural enterprises, construction of highways and other similar activities. The Republic, likewise, shall take appropriate measures through the departments of its administration to help in the selection of suitable lands for agricultural purposes and for the acquisition of said lands by the Association, and shall give its best assistance to the Association for the purpose of giving or obtaining desirable options to the Association for agricultural lands which may be deemed adequate and necessary for future large settlement;
- (b) The Republic, in order to make this agreement effective and to

insure the acquisition by the Association or settlers of suitable lands, buildings, water rights and other inherent rights, shall authorize and direct its appropriate departments to take such official measures as may from time to time be necessary or advisable in order to obtain and grant sound and valid titles, as well as the right to use said properties and to grant the Association and the settlers such rights, titles and benefits;

(c) The Republic hereby guarantees that all rights which may from this date be extended by the Republic to any other association, groups or agencies engaged in similar activities, will automatically thereupon accrue to and operate for the benefit of the Association and all settlers hereunder.

ARTICLE VI

VALIDITY AND EXECUTION OF THIS AGREEMENT

The present Agreement shall not bind the contracting parties until the following conditions have been fulfilled:

1. That this Agreement has been ratified by express resolution of the Board of Directors of the Association;
2. That the Congress of the Republic, within the free exercise of its constitutional rights, shall have enacted a law whereby persons who may come for the purpose of establishing themselves in the country under the protection of a colonization agreement are exempt from discriminatory taxation; and likewise a law whereby persons who may come as settlers to Dominican territory shall not be obliged to make the deposits at present required of navigation companies for the transportation of immigrants to the Dominican Republic, nor any other deposit whatsoever, and so that these settlers may be permitted to bring with them, upon entering Dominican territory, free of duty and not for sale but for their own personal use in their agricultural enterprises and others incidental thereto,

such furniture, personal effects, tools, equipment, materials and other instruments which they may need in order to establish themselves with economic solvency; and furthermore, a law whereby associations organized for the establishment of colonies in the Dominican Republic shall be exempt from taxes on property or other duties or contributions on the transactions or any other acts incidental thereto which refer exclusively to the fulfillment of the essential purpose of said associations of transporting and establishing settlers in the Republic; and that said laws shall have been duly promulgated and published;

3. That the present Agreement has been approved by the Congress of the Dominican Republic.
