

No. 875

**UNITED STATES OF AMERICA
and
GUATEMALA**

Exchange of notes constituting an agreement supplementing the Agreement of 19 May 1943 relating to the Inter-American Highway. Guatemala, 18 May 1948

Official texts: English and Spanish.

Registered by the United States of America on 18 July 1950.

**ÉTATS-UNIS D'AMÉRIQUE
et
GUATEMALA**

Échange de notes constituant un accord complétant l'Accord du 19 mai 1943 relatif à la route interaméricaine. Guatemala, 18 mai 1948

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 18 juillet 1950.

No. 875. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND GUATEMALA SUPPLEMENTING THE AGREEMENT OF 19 MAY 1943² RELATING TO THE INTER-AMERICAN HIGHWAY. GUATEMALA, 18 MAY 1948

I

*The American Ambassador
to the Guatemalan Minister for Foreign Affairs*

No. 65

Guatemala, May 18, 1948

Excellency :

I have the honor to refer to the agreement effected by an exchange of notes on May 19, 1943² concerning cooperation between the United States and Guatemala in the improvement of the Inter-American Highway in Guatemala pursuant to Public Law No. 375 of the United States of America, approved December 26, 1941, and subject to the appropriation of the necessary funds by the Congress of the United States of America.

The Congress of the United States of America in an act, approved May 3, 1945, appropriated for the Inter-American Highway \$1,000,000 of the \$20,000,000 authorized by the act of December 26, 1941 (Public Law No. 375). This appropriation, however, was made subject to the condition imposed by the following proviso :

“Provided, That no part of the appropriation made in this paragraph for use in any cooperating country shall be available for obligation or expenditure unless said cooperating country executes a written agreement that it will impose no restrictions on the use of the highway, nor levy directly or indirectly any tax or charge for such use, by traffic or vehicles from any other country that do not apply with equal force to the like use of the highway by traffic or vehicles of the cooperating country.”

In view of the intention of the Federal Works Agency of the United States of America to allot the above-mentioned appropriation of \$1,000,000 for expenditure in Guatemala, my Government proposes that, as a supplementary agreement to the agreement effected by an exchange of notes on May 19, 1943, the Government of Guatemala will, in accordance with the proviso of the aforesaid appropriation act of May 3, 1945, agree

¹ Came into force on 18 May 1948, by the exchange of the said notes.

² United Nations, *Treaty Series*, Volume 28, page 377.

to the condition that it will not impose any restriction on the use of the Inter-American Highway, nor levy directly or indirectly any tax or charge for such use, by traffic or vehicles from any other country that do not apply with equal force to the like use of the highway by traffic or vehicles of Guatemala.

Except as amended herein, there shall remain in full force and effect the Agreement effected by the exchange of notes of May 19, 1943, and any memorandum of understanding related thereto concluded subsequently between the Director General of Roads on behalf of the Republic of Guatemala and the Commissioner of Public Roads on behalf of the Government of the United States of America.

The Government of the United States of America is prepared, if this proposal is acceptable to the Government of Guatemala, to regard the present note and Your Excellency's reply to the same effect as constituting an agreement between the two Governments which shall take effect this day, supplementing the agreement effected by an exchange of notes on May 19, 1943.

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

Edwin J. KYLE

His Excellency Licenciado Enrique Muñoz Meany
Minister for Foreign Affairs
Guatemala

II

The Guatemalan Minister for Foreign Affairs to the American Ambassador

SPANISH TEXT — TEXTE ESPAGNOL

MINISTERIO DE RELACIONES EXTERIORES

REPÚBLICA DE GUATEMALA

SECCIÓN DIPLOMÁTICA

693 (78-0)

Guatemala, 18 de mayo de 1948

7929

Señor Embajador :

Tengo el honor de acusar recibo de la atenta nota de Vuestra Excelencia, fecha de hoy, relativa a la asignación de \$1.000.000 hecha por el Congreso de los Estados Unidos (Acta del 3 de mayo de 1945) para la carretera Inter-americana, que se sujeta a la condición impuesta por el siguiente inciso :

“ Se dispone que ninguna parte de la asignación hecha en virtud de este párrafo, para emplearse en cualquier país cooperante, quede disponible para obligaciones o gastos, a menos que dicho país cooperante perfeccione un convenio escrito, en que se comprometa a no imponer

TRANSLATION¹ — TRADUCTION²MINISTRY OF FOREIGN RELATIONS
REPUBLIC OF GUATEMALA
DIPLOMATIC SECTION

693 (73-0)

Guatemala, May 18, 1948

7929

Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's courteous note dated today relative to the appropriation of \$1,000,000 by the Congress of the United States (Act of May 3, 1945) for the Pan American Highway, which is subject to the condition established in the following proviso :

[See note I]

Your Excellency states that, in view of the intention of the Federal Works Agency of the United States of America to allot the above-mentioned appropriation of \$1,000,000 for expenditure in Guatemala, the Government of the United States of America proposes a supplementary agreement to the agreement effected by an exchange of notes on May 19, 1943, by which the Government of Guatemala agrees to the proviso of the aforesaid appropriation act of May 3, 1943.³

Your Excellency further states that the Government of the United States of America is prepared, if this proposal is accepted, to regard the note the receipt of which is hereby acknowledged and the reply of my Government as constituting an agreement between the two Governments which shall take effect this day, supplementing the agreement effected by an exchange of notes on May 19, 1943.

I have the honor to inform Your Excellency that the Government of Guatemala accepts the proposal of your illustrious Government with the understanding that, without prejudice to the provisions established by means of the present agreement, the agreement effected by an exchange of notes on May 19, 1943, and any memorandum of an understanding relative to the same agreement which may have been reached subsequently between the Director General of Highways representing the Government of Guatemala and the Commissioner of Public Roads in the name of the Government of the United States of America will continue in full effect.

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des Etats-Unis d'Amérique.

³ The following information is provided by the Department of State of the United States of America (*Treaties and Other International Acts Series 2001*, page 4, note 1): " This should read ' act of May 3, 1945.' "

Furthermore, I am to state to Your Excellency that my Government agrees to the condition that Guatemala will impose no restrictions on the use of the Pan American Highway, nor levy directly or indirectly any tax or charge for such use, by traffic or vehicles from any other country that do not apply with equal force to the like use of the highway by traffic or vehicles of Guatemala, but that, as a formal requirement, this proviso is subject to the approval of the Congress of Guatemala.

The Government of Guatemala considers this arrangement as supplementary to the arrangement effected between the two Governments by an exchange of notes dated May 19, 1943, and as entering in effect this day.

Accept, Excellency, the renewed assurance of my highest and most distinguished consideration.

E. MUÑOZ MEANY

His Excellency Edwin J. Kyle
Ambassador Extraordinary and Plenipotentiary
of the United States of America
City