

No. 1859

**UNITED STATES OF AMERICA
and
NICARAGUA**

**Exchange of notes constituting an agreement amending the
Agreement of 8 April 1942 relating to the construction
of the Inter-American Highway. Washington, 4 and
20 April 1951**

Official text: English.

Registered by the United States of America on 25 September 1952.

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

**Échange de notes constituant un accord modifiant l'Accord
du 8 avril 1942 relatif à la construction de la route
interaméricaine. Washington, 4 et 20 avril 1951**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 25 septembre 1952.

No. 1859. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND NICARAGUA AMENDING THE AGREEMENT OF 8 APRIL 1942² RELATING TO THE CONSTRUCTION OF THE INTER-AMERICAN HIGHWAY. WASHINGTON, 4 AND 20 APRIL 1951

I

The Nicaraguan Ambassador to the Secretary of State

EMBAJADA DE NICARAGUA
WASHINGTON 9, D. C.

Ref. 183-T

April 4, 1951

Excellency :

I have the honor to refer to the agreement between our two Governments effected by an exchange of notes on April 8, 1942,² with respect to United States Public Law 375, 55 Stat. 860, approved December 26, 1941, which provides for the cooperation of the United States with the Central American republics in the construction of the Inter-American Highway. Reference also is made to Public Law 769, approved September 7, 1950,³ amendatory of Public Law 375, which contains certain additional provisions with respect to the future cooperative construction of this Highway.

In this connection, and with the specific authorization of my Government, I hereby make formal request for the participation of Nicaragua in the proposed continued cooperation in said construction.

I am also authorized to offer the assurances required by Section 11 of Public Law 769, approved September 7, 1950, that the Government of Nicaragua assents to the provisions thereof and that it has an organization adequately qualified to administer the functions required of Nicaragua under the provisions of the law. My Government further agrees, as specified in the law, that requests submitted by it, from time to time, for United States funds from appropriations authorized by law will be for the construction of portions of the Highway to standards adequate to meet present and future traffic needs.

¹ Came into force on 20 April 1951, by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 24, p. 145.

³ United States of America : 64 Stat. 785.

Unless otherwise determined by the Secretary of State with reference to specific projects in Nicaragua relating to separate portions of the Highway, it is understood that, in conformity with the law, expenditures of United States funds shall not be made on any project unless Nicaragua shall provide and make available for expenditure in connection therewith a sum equal to at least one-third of the total expenditures made by our two Governments.

The Government of Nicaragua recognizes the requirements of the law, that on said projects for portions of the Highway, all expenditures for material, equipment and supplies shall, whenever practicable, be made for products of the United States or of Nicaragua; and construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works of Nicaragua, and contracts shall be awarded pursuant to said advertisements with the approval of the Secretary of Commerce of the United States.

Furthermore, as agreed in recent conversations between representatives of the Embassy of Nicaragua in the United States and officers of the Department of State, the Government of Nicaragua desires to inform Your Excellency's Government that it specifically agrees, in conformity with the law :

(1) that it will provide, without participation of funds of the United States, all necessary right-of-way for the construction of the Inter-American Highway in Nicaragua which right-of-way shall be of a minimum width where practicable of 100 meters in rural areas and 50 meters in municipalities, and that such right-of-way shall forever be held inviolate as a part of the Highway for public use;

(2) that it will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said Highway constructed under the provisions of the above-mentioned law approved December 26, 1941, as amended;

(3) that it will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said Highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of Nicaragua; and that it will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said Highway by vehicles of the United States Government;

(4) that it will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for Regulation of Inter-American Automotive Traffic which was opened for signature

at the Pan American Union in Washington on December 15, 1943,¹ and to which Nicaragua and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) that it will maintain the presently completed portion of said Highway and each section of the uncompleted portion thereof as each such section is completed, all in condition adequately to serve the needs of present and future traffic; and that, so far as may be practicable, it will provide maintenance on all partially completed sections of said Highway which are now or hereafter may be opened to traffic.

My Government further agrees that in recognition of the Inter-American Highway being a project of unusual significance of an economic and cultural character to Nicaragua, and a public work of national importance in the collective public interest of Nicaragua, it will be considered as one to which existing provisions of the national labor laws of Nicaragua, relating to waivers and the exercise of executive discretion, will apply in favor of the cooperative project.

In accepting the provisions of Public Law 769, approved September 7, 1950, as amendatory of Public Law 375, approved December 26, 1941, and in agreeing to the stipulations outlined above, my Government suggests that the present exchange of notes constitutes an amendment to the original agreement between our two Governments contained in the exchange of notes dated April 8, 1942. It is further suggested that the notes hereby exchanged shall be regarded as a formal amendment to the Project Statement and Memorandum of Understanding² effective June 18, 1942, as amended, between the Government of Nicaragua and the Commissioner of Public Roads of the United States; and that any further amendment shall not be limited to the subject-matter of this exchange of notes but may include such other matters of a technical character as will facilitate the proposed cooperation.

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

Guillermo SEVILLA SACASA
Ambassador of Nicaragua

His Excellency Honorable Dean Acheson
Secretary of State
Washington, D. C.

¹ United States of America : *Treaties and Other International Acts Series 1567*; 61 Stat. pt. 2, p. 1129.

² Not printed by the Department of State of the United States of America.

II

The Secretary of State to the Nicaraguan Ambassador

DEPARTMENT OF STATE
WASHINGTON

April 20, 1951

Excellency :

I have the honor to acknowledge the receipt of Your Excellency's note No. 183-T of April 4, 1951, in which you request the continued cooperation of the Government of the United States in the construction of the Inter-American Highway in Nicaragua in accordance with the terms and conditions of United States Public Law 769, approved September 7, 1950, as amendatory of Public Law 375, approved December 26, 1941.

I take pleasure in informing Your Excellency that the assurances offered are satisfactory to the Government of the United States. It is consequently the intention of this Government to extend to the Nicaraguan Government the cooperation envisaged in the law and set forth by this exchange of notes, subject to the appropriation of necessary funds by the Congress of the United States.

As suggested by your Government, it is agreed that the current exchange of notes shall be regarded as a formal amendment to the Project Statement and Memorandum of Understanding effective June 18, 1942, as amended, between the Government of Nicaragua and the Commissioner of Public Roads of the United States; and that any further amendment shall not be limited to the subject-matter of this exchange of notes, but may include such other matters of a technical character as will facilitate the proposed cooperation. It is further agreed that the current exchange of notes constitutes a further amendment to the original agreement between our two Governments contained in the exchange of notes dated April 8, 1942, as amended.

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

For the Secretary of State :

Thomas C. MANN

His Excellency Señor Dr. Don Guillermo Sevilla Sacasa
Ambassador of Nicaragua