

No. 3377

**UNITED STATES OF AMERICA
and
COLOMBIA**

**Exchange of notes constituting an agreement relating to the
guaranty of private investments. Washington, 14 and
18 July and 18 November 1955**

Official text: English.

Registered by the United States of America on 9 May 1956.

**ÉTATS-UNIS D'AMÉRIQUE
et
COLOMBIE**

**Échange de notes constituant un accord relatif à la garantie
des investissements privés. Washington, 14 et 18 juillet
et 18 novembre 1955**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 9 mai 1956.

No. 3377. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND COLOMBIA RELATING TO THE GUARANTY OF PRIVATE INVESTMENTS. WASHINGTON, 14 AND 18 JULY AND 18 NOVEMBER 1955

I

The Secretary of State to the Colombian Ambassador

DEPARTMENT OF STATE
WASHINGTON

July 14, 1955

Excellency :

I have the honor to refer to conversations which have recently taken place between the representatives of our two Governments relating to guaranties against inconvertibility of investment receipts authorized by Section 413 (b) (4) (B) (i) of the Mutual Security Act of 1954. I also have the honor to confirm the following understandings reached as a result of these conversations :

1. The Governments of Colombia and of the United States of America will, upon the request of either of them, consult respecting the guaranty program authorized under the aforesaid Section 413 (b) (4) (B) (i).

2. The Government of the United States agrees that it will issue no guaranty with regard to any project unless it is approved by the Government of Colombia.

3. With respect to such guaranties extending to projects which are approved by the Government of Colombia in accordance with the provisions of the aforesaid Section 413 (b) (4) (B) (i), the Government of Colombia agrees:

a. That if the Government of the United States of America makes payment in United States dollars to any person under any such guaranty, the Government of Colombia will recognize the transfer to the United States of America of any right, title, or interest of such person in assets, currency, credits, or other property on account of which such payment was made and the subrogation of the United States of America to any claim or cause of action, or right of such person arising in connection therewith. Nothing in

¹ Came into force on 18 November 1955 by the exchange of the said notes.

this agreement shall confer upon the Government of the United States greater rights than those available to such person with respect to any such claim or cause of action or right to which the Government of the United States may have become subrogated.

b. That amounts in Colombian pesos acquired by the Government of the United States of America pursuant to such guaranties shall be accorded treatment not less favorable than that accorded to private funds arising from transactions of United States nationals which are comparable to the transactions covered by such guaranties, and that such amounts in Colombian pesos will be freely available to the Government of the United States of America for administrative expenditures.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of Colombia, the Government of the United States of America will consider that this note and your reply thereto constitute an agreement between the Governments on this subject, the agreement to enter into force on the date of your note in reply.

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

For the Secretary of State :

H. F. HOLLAND

His Excellency Señor Dr. Don Eduardo Zuleta-Angel
Ambassador of Colombia

II

The Colombian Ambassador to the Secretary of State

EMBASSY OF COLOMBIA

July 18, 1955

Excellency :

I have the honor to refer to your Excellency's note of July 14, 1955, in which it is stated that our two Governments have reached understanding as a result of conversations relating to inconvertibility of investment receipts authorized by Section 413 (b) (4) (B) (i) of the Mutual Security Act of 1954.

It is my privilege to inform you that the Colombian Government has authorized me to accept, *ad referendum*, the terms contained therein, as follows :

[See note I]

It is my sincere hope that I will be able to confirm the Colombian Government's final acceptance, according to our constitutional procedure, in the near future.

Please accept, Excellency, the renewed assurances of my highest consideration.

Eduardo ZULETA-ANGEL
Ambassador of Colombia

His Excellency John Foster Dulles
Secretary of State

No. 946

III

The Colombian Ambassador to the Secretary of State

EMBASSY OF COLOMBIA
WASHINGTON

November 18, 1955

Excellency :

I have the honor to refer to the Agreement relating to guaranties against inconvertibility of investment receipts between the Governments of Colombia and the United States of America, by means of the Department's note of July 14, 1955 and the Embassy's reply of July 18, 1955, No. 946.

I take pleasure in confirming herein the final acceptance by the Government of Colombia of said Agreement, which, as indicated in the Embassy's note No. 946, had been accepted *ad referendum*.

In view of the foregoing, it is my understanding that this Agreement may be considered to be in force as of today.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

Francisco URRUTIA
Ambassador of Colombia

His Excellency John Foster Dulles
Secretary of State
Washington, D. C.

No. 1462