

No. 3159

**UNITED STATES OF AMERICA
and
NICARAGUA**

**Bilateral Military Assistance Agreement. Signed at Managua,
on 23 April 1954**

Official texts : English and Spanish.

Registered by the United States of America on 21 February 1956.

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

**Accord relatif à l'assistance militaire réciproque. Signé à
Managua, le 23 avril 1954**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 21 février 1956.

No. 3159. BILATERAL MILITARY ASSISTANCE AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND NICARAGUA. SIGNED AT MANAGUA, ON 23 APRIL 1954

The Governments of the United States of America and of Nicaragua :

Conscious of their pledges under the Inter-American Treaty of Reciprocal Assistance² and other international instruments to assist any American State subjected to an armed attack and to act together for the common defense and for the maintenance of the peace and security of the western Hemisphere ;

Desiring to foster international peace and security within the framework of the Charter of the United Nations through measures which will further the ability of nations dedicated to the purposes and principles of the Charter to participate effectively in arrangements for individual and collective self-defense in support of those purposes and principles ;

Reaffirming their determination to give their full cooperation to the efforts to provide the United Nations with armed forces as contemplated by the Charter and to obtain agreement on universal regulation and reduction of armaments under adequate guarantee against violation ;

Taking into consideration the support that the Government of the United States of America has brought to these principles by enacting legislation which provides for the furnishing of military assistance to nations which have joined with it in collective security arrangements ;

Desiring to set forth the conditions which will govern the furnishing of such assistance by one Government to the other,

Have agreed as follows :

Article I

1. Each Government will make or continue to make available to the other, and to such additional governments as the parties hereto may in each case agree upon, such equipment, materials, services, or other military assistance as the Government furnishing such assistance may authorize and in accordance with

¹ Came into force on 23 April 1954, upon signature, in accordance with article XI (1).

² United Nations, *Treaty Series*, Vol. 21, p. 77 ; Vol. 26, p. 417 ; Vol. 82, p. 330, and Vol. 209, p. 330.

such terms and conditions as may be agreed. The furnishing of any such assistance as may be authorized by either party hereto shall be consistent with the Charter of the United Nations. Such assistance shall be so designed as to promote the defense of the Western Hemisphere and be in accordance with defense plans under which both Governments will participate in missions important to the defense of the Western Hemisphere. Assistance made available by the Government of the United States of America pursuant to this Agreement will be furnished under the provisions, and subject to all the terms, conditions and termination provisions of applicable United States legislation. The two Governments will, from time to time, negotiate detailed arrangements necessary to carry out the provisions of this paragraph.

2. The Government of Nicaragua undertakes to make effective use of assistance received from the Government of the United States of America pursuant to this Agreement for the purpose of implementing defense plans, accepted by the two Governments, under which the two Governments will participate in missions important to the defense of the Western Hemisphere, and will not, without the prior agreement of the Government of the United States of America, devote such assistance to purposes other than those for which it was furnished.

3. Arrangements will be entered into under which equipment and materials furnished pursuant to this Agreement and no longer required for the purposes for which it was originally made available (except equipment and materials furnished under terms requiring reimbursement) will be returned to the Government which furnished such assistance for appropriate disposition.

4. In the common security interest of both Governments, the Government of Nicaragua undertakes not to transfer to any person not an officer or agent of such Government, or to any other Government, title to or possession of any equipment, materials, or services furnished to it by the Government of the United States of America under this Agreement, without the prior agreement of the Government of the United States of America.

5. The two Governments will establish procedures whereby the Government of Nicaragua 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 of America so that such funds shall not, except as may otherwise be mutually agreed, be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government.

6. Each Government will take such security measures as may be agreed in each case between the two Governments in order to prevent the disclosure or compromise of classified military articles, services or information furnished by the other Government pursuant to this Agreement.

Article II

Each Government will take appropriate measures consistent with security to keep the public informed of operations under this Agreement.

Article III

The two Governments will, upon request of either of them, negotiate appropriate arrangements relating to the exchange of patent rights and technical information for defense in order to expedite such exchanges and at the same time protect private interests and maintain security safeguards.

Article IV

1. The Government of Nicaragua will make available to the Government of the United States of America Nicaraguan currency in an amount to be agreed for the use of the latter Government for its administrative and operating expenditures in connection with carrying out the purposes of this Agreement.

The two Governments will forthwith initiate discussions with a view to determining the amount of such Nicaraguan currency and to agreeing upon arrangements for the furnishing of such Nicaraguan currency.

2. The Government of Nicaragua will, except as otherwise agreed, grant duty-free treatment and exemption from internal taxation upon importation or exportation to products, property, materials, or equipment imported into its territory in connection with this Agreement or any similar agreement between the United States of America and any other country receiving military assistance.

3. The operations and expenditures effected in Nicaragua by or on behalf of the Government of the United States of America for the common defense effort including those carried out as a consequence of any other foreign aid program will be relieved from all taxation. To this end the Government of Nicaragua will prescribe pertinent procedures satisfactory to both Governments.

Article V

1. Each Government agrees to receive personnel of the other Government who will discharge responsibilities of the other Government in connection with the implementation of this Agreement. Such personnel will be accorded facilities to observe the progress of assistance furnished pursuant to this Agreement. Such personnel who are nationals of that other country, including personnel temporarily assigned, will, in their relations with the Government of the country to which they are assigned, operate as a party of the Embassy under the direction and control of the Chief of the Diplomatic Mission of the Government of the sending country,

and shall be accorded all privileges and immunities conferred by international custom to Embassy personnel of corresponding rank. Privileges and courtesies incident to diplomatic status, such as diplomatic automobile license plates, inclusion on the "diplomatic list", and social courtesies may be waived by the sending Government for its personnel other than the senior military member and the senior Army, Navy and Air Force officer and their respective immediate deputies.

2. The two Governments will negotiate arrangements for classification of personnel and for appropriate notification thereof to the host Government.

3. The Government of Nicaragua will grant, upon request of the Chief of the Diplomatic Mission of the Government of the United States, exemption from import and export duties on articles imported for the personal use of such personnel and of members of their families and will take adequate administrative measures to facilitate and expedite the importation and exportation of the personal property of such individuals and their families.

Article VI

Existing arrangements relating to Armed Forces missions of the United States of America established under other instruments are not affected by this Agreement and will remain in full force.

Article VII

In conformity with the principle of mutual aid, under which the two Governments have agreed as provided in Article I, to furnish assistance to each other, the Government of Nicaragua agrees to facilitate the production and transfer to the Government of the United States of America for such period of time, in such quantities and upon such terms and conditions as may be agreed upon, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Nicaragua and in territories under its sovereignty. Arrangements for such transfers shall give due regard to reasonable requirements for domestic use and commercial export of Nicaragua.

Article VIII

In the interest of their mutual security, the Government of Nicaragua will cooperate with the Government of the United States of America in measures designed to control trade with nations which threaten the security of the Western Hemisphere.

Article IX

The two Governments reaffirm their determination to join in promoting international understanding and goodwill and maintaining world peace, to proceed

as may be mutually agreed upon to eliminate causes of international tension, and to fulfill the military obligations assumed under multilateral or bilateral agreements and treaties to which both are parties. The Government of Nicaragua will make the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its defensive strength as well as that of the free world, and will take all reasonable measures which may be needed to develop its defense capacities.

Article X

Whereas this Agreement, having been negotiated and concluded on the basis that the Government of the United States of America will extend to the other party thereto the benefits of any provision in a similar agreement concluded by the Government of the United States of America with any other American Republic, it is understood that the Government of the United States of America will interpose no objection to amending this Agreement in order that its provisions may conform, in whole or in part, to the corresponding provisions of any similar Military Assistance Agreement, or agreements amendatory thereto, concluded with an American Republic.

Article XI

1. This Agreement shall enter into force on the date of signature, and shall continue in force until one year after the receipt by either party of written notice of the intention of the other party to terminate it, except that the provisions of Article I, paragraphs 2 and 4 and arrangements made pursuant to the provisions of Article I, paragraphs 3, 5 and 6 and of Article III shall remain in force unless otherwise agreed by the two Governments.

2. The two Governments shall, upon the request of either of them, consult regarding any matter relating to the application or amendment of this Agreement.

3. This Agreement shall be registered with the Secretary-General of the United Nations.

DONE in duplicate, in the English and Spanish languages, both equally authentic, at Managua, this twenty-third day of April of nineteen fifty-four.

Thomas E. WHELAN

Ambassador Extraordinary and Plenipotentiary
of the United States of America

Oscar SEVILLA SACASA

Minister for Foreign Affairs

[SEAL]