

No. 5109

**UNITED STATES OF AMERICA
and
PERU**

Exchange of notes constituting an agreement relating to a grant to the Government of Peru by the Government of the United States of America to assist in the acquisition of certain nuclear research and training equipment and materials. Lima, 16 July and 22 August 1959

Official texts: English and Spanish.

Registered by the United States of America on 29 April 1960.

**ÉTATS-UNIS D'AMÉRIQUE
et
PÉROU**

Échange de notes constituant un accord relatif à l'octroi au Gouvernement péruvien d'un don du Gouvernement des États-Unis d'Amérique visant à faciliter l'acquisition de matériel et de matières pour la recherche et la formation nucléaires. Lima, 16 juillet et 22 août 1959

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 29 avril 1960.

No. 5109. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND PERU RELATING TO A GRANT TO THE GOVERNMENT OF PERU BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO ASSIST IN THE ACQUISITION OF CERTAIN NUCLEAR RESEARCH AND TRAINING EQUIPMENT AND MATERIALS. LIMA, 16 JULY AND 22 AUGUST 1959

I

The American Chargé d'Affaires ad interim to the Peruvian Minister of Foreign Affairs

No. 26

Lima, July 16, 1959

Excellency :

I have the honor to refer to the Foreign Office Note No. (M) 6-3/43 of May 22, 1958,² concerning a grant to the Government of Peru by the Government of the United States to assist in the acquisition of certain nuclear research and training equipment and materials, and to inform Your Excellency's Government that approval of the grant has now been given.

I now have the honor to propose the following understandings on the basis of which funds are to be furnished :

1. The equipment and materials to be acquired in accordance with this note shall be used for peaceful purposes only.

2. The Government of Peru shall procure, or arrange for procurement of, all equipment and materials to be financed hereunder, and shall meet the costs of transportation, insurance while in transit, installation, and operation of this equipment and material.

3. The Government of Peru shall insure that 50 percent of the gross tonnage of equipment and materials financed hereunder which may be transported on ocean vessels shall be transported on United States-flag vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

4. Funds granted by the Government of the United States shall be available only to purchase such equipment and materials, or their equivalents, and in amounts not in excess of such prices, as may be established by the United States Atomic Energy Commission. Any difference between the amount established by the Commission and the actual cost may not be applied toward purchase of other items.

¹ Came into force on 22 August 1959 by the exchange of the said notes.

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

5. The manner and procedures for reimbursement to the Government of Peru for procurement of equipment and materials as provided in this note shall be established by the United States Atomic Energy Commission and notified to the Government of Peru.

6. Copies of technical publications deriving from use of equipment and materials financed hereunder will be provided currently to the Government of the United States, and an appropriate plaque acknowledging the assistance of the Government of the United States will be permanently displayed in the laboratory in which the equipment and materials financed hereunder are located.

7. The Government of Peru shall indemnify and save harmless the Government of the United States against any and all liabilities from any cause whatsoever, including third party liability, which may result from the operation or use of any equipment and materials furnished hereunder.

If these understandings are acceptable to Your Excellency's Government, this note and Your Excellency's reply concurring therein shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

Jack D. NEAL
Chargé d'Affaires, a. i.

His Excellency Raúl Porras Barrenechea
Minister of Foreign Affairs
Lima

II

The Peruvian Minister of Foreign Affairs to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION¹ — TRADUCTION²]MINISTERIO DE RELACIONES
EXTERIORES

MINISTRY FOR FOREIGN AFFAIRS

Número : (D)-6-3/108

No. (D)-6-3/108

Lima, 22 de agosto de 1959

Lima, August 22, 1959

Señor Embajador :

Mr. Ambassador :

Tengo a honra dirigirme a Vuestra Excelencia con referencia a la estimable nota de esa Embajada número 26, del 16 de julio último, por la que propone las bases para la adquisición de equipo y materiales de investigación y entrenamiento nuclear, y me complace en manifestarle que, como la Junta de Control de Energía Atómica, por oficios del 6 y del 20 del mes en curso, ha expresado a esta Cancillería la aceptación de dichas bases, con la presente nota, que es contestación de la citada nota número 26, queda concertado el acuerdo correspondiente, para la mencionada adquisición.

I have the honor to address Your Excellency with reference to your Embassy's note No. 26 of July 16, 1959, proposing the bases for the acquisition of nuclear research and training equipment and materials, and since, in official communications dated the 6th and the 20th of this month, the Atomic Energy Control Board informed this Foreign Office of the acceptance of the aforesaid bases, I am happy to inform you that with the present note, which is the reply to the above-mentioned note No. 26, the necessary agreement for that acquisition is concluded.

Aprovecho la oportunidad para renovar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

I avail myself of the opportunity to renew to Your Excellency the assurance of my highest and most distinguished consideration.

Raúl PORRAS

Raúl PORRAS

Al Excelentísimo
Señor Theodore C. Achilles
Embajador Extraordinario
y Plenipotenciario
de los Estados Unidos
de América
Ciudad

His Excellency
Theodore C. Achilles
Ambassador Extraordinary
and Plenipotentiary
of the United States
of America
City

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

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