

No. 5848

UNITED STATES OF AMERICA
and
PERU

Exchange of notes constituting an agreement relating to
free entry privileges of foreign service personnel. Lima,
7 November and 28 December 1960, 4 and 13 February
1961

Official texts: English and Spanish.

Registered by the United States of America on 5 September 1961.

ÉTATS-UNIS D'AMÉRIQUE
et
PÉROU

Échange de notes constituant un accord relatif à l'octroi de
privileges d'importation en franchise du personnel
diplomatique et consulaire. Lima, 7 novembre et
28 décembre 1960, 4 et 13 février 1961

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 5 septembre 1961.

No. 5848. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND PERU RELATING TO FREE ENTRY PRIVILEGES OF FOREIGN SERVICE PERSONNEL.
LIMA, 7 NOVEMBER AND 28 DECEMBER 1960, 4 AND 13 FEBRUARY 1961

I

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

EMBASSY OF THE UNITED STATES OF AMERICA
LIMA, PERU

Note No. 156

November 7, 1960

Excellency:

I have the honor to inform you that the Government of the United States of America is desirous of negotiating a customs agreement with the Government of Peru by an exchange of notes, providing on the basis of reciprocity, that all American and Peruvian diplomatic and consular officers of career and members of their families living with them, as well as employees of the sending state, specifically appointed or assigned by the sending state to serve in its respective diplomatic and consular offices, who are nationals of the sending state and not engaged in any other occupation for gain in the country of the other, and who are not normally resident within the territory of the receiving state, shall be extended free entry privileges upon arrival to take up their duties and upon return from leave spent abroad, including free importation of one personally owned automobile, as well as the privilege of free importation of articles intended for their personal use at any time during official residence, provided the importation of such articles is not prohibited respectively by the laws of the United States and the Republic of Peru.

Further, the Embassy and all consulates will be afforded free entry for all supplies and equipment including government-owned automobiles brought into the country for official use.

If the foregoing proposal is agreeable to the Government of Peru, the Government of the United States of America will consider this note and your reply note concurring therein as concluding an agreement between our respective Governments on this subject.

¹ Came into force on 13 February 1961 by the exchange of the said notes.

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

Jack D. NEAL
Chargé d'Affaires ad interim

His Excellency Luis Alvarado Garrido
Minister of Foreign Affairs
Lima

II

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

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE RELACIONES
EXTERIORES

Número : (H) 6-3/171

Lima, 28 de Diciembre de 1960

Señor Encargado de Negocios :

Tengo a honra avisar recibo a Vuestra Señoría de su atenta nota número 156, de 7 de Noviembre último, en la expresa que el Gobierno de los Estados Unidos de América está deseoso de negociar con el Gobierno del Perú un Acuerdo, por medio de un cambio de notas, que establezca, a base de la reciprocidad, se hagan extensivos los privilegios de ingreso libre de gravámenes a los funcionarios consulares de carrera; así como a los empleados que sean nacionales de los mismos Estados y que no se dediquen a ninguna otra acupación remunerativa en el otro país.

En respuesta a la nota que contesto, el Gobierno del Perú defiriendo a la propuesta que formula Vuestra Señoría, le manifiesta que concurriendo con el punto referente al otorgamiento de

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS

No. (H) 6-3/171

Lima, December 28, 1960

Mr. Chargé d'Affaires :

I have the honor to acknowledge receipt of your note No. 156 dated November 7 last, stating that the Government of the United States of America is desirous of negotiating with the Government of Peru an agreement by an exchange of notes, providing, on the basis of reciprocity, that career consular officers, as well as employees who are nationals of the same States and who are not engaged in any other occupation for gain in the other country, shall be extended duty-free entry privileges.

In answer to the note to which I am replying, the Government of Peru, in deference to your proposal, informs you that, while accepting the point relating to the granting of privileges,

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

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

privilegios, franquicias y exenciones a los funcionarios consulares de carrera que ejerzan función en la República Peruana y en los Estados Unidos de América, estaría dispuesto a concederlas únicamente a éstos en la forma que lo regulan las disposiciones contenidas en el Decreto Supremo número 69, de 18 de Febrero de 1954, y con las equivalencias a las categorías correspondientes y las cuotas que, para dichas categorías, se establecen en el citado Reglamento.

En lo referente a los empleados, por disposición expresa de la ley en la materia, no sería posible — a pesar de mi deseo — acceder a la propuesta de Vuestra Señoría, no pudiéndose otorgárseles otros privilegios que los que les acuerda el citado Decreto Supremo número 69.

Si Vuestra Señoría aceptara los términos de esta contra-propuesta, con la limitación que contiene, su respuesta aceptándola concluiría el Acuerdo que el Gobierno de Vuestra Señoría, en base a la estricta reciprocidad, propone para extender los privilegios de exenciones aduaneras a los funcionarios consulares de carrera de ambos países, es decir, de los Estados Unidos de América en el Perú y del Perú en los Estados Unidos de América.

Válgame de esta ocasión para reiterarle las seguridades de mi distinguida consideración.

Luis ALVARADO G.

Al Honorable señor

Jack D. Neal

Encargado de Negocios a.i.

de los Estados Unidos de América
Ciudad

No. 5848

exemptions from duty, and exemptions to career consular officers serving in the Peruvian Republic and in the United States of America, it would be prepared to grant them only to those officers in the manner specified by the provisions contained in Supreme Decree No. 69 of February 18, 1954 and with the equivalences of the corresponding ranks and the quotas specified for such ranks in the aforesaid Regulations.

As regards the employees, because of an express provision of the pertinent law, it would not be possible—despite my willingness—to assent to your proposal; they cannot be granted any privileges except those accorded to them by the aforementioned Supreme Decree No. 69.

If you should accept the terms of this counterproposal, with the limitation it contains, your reply accepting it would conclude the agreement proposed by your Government, on the basis of strict reciprocity, in order to extend customs-exemption privileges to the career consular officers of the two countries, that is to say, of the United States of America in Peru and of Peru in the United States of America.

I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

Luis ALVARADO G.

Mr. Jack D. Neal

Chargé d'Affaires ad interim

of the United States of America
City

III

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

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE RELACIONES
EXTERIORES

Número (H) : 6-3/13

Lima, 4 de febrero de 1961

Señor Encargado de Negocios :

Tengo a honra referirme a las recientes conversaciones sostenidas con Vuestra Señoría sobre privilegios a los funcionarios diplomáticos y consulares de carrera y, ampliando los términos de mi nota N° 171, de fecha 28 de Diciembre último, me es grato manifestar a Vuestra Señoría que el Gobierno del Perú extendería esos beneficios a los empleados administrativos nacionales de los Estados Unidos que sean designados por el Gobierno de Vuestra Señoría, con conocimiento del Departamento de Estado y conforme a una relación que esa Embajada suministraría periódicamente a este Despacho, y con la única taxativa de que no hayan constituido domicilio permanente en el Perú.

Queda entendido que igual tratamiento se otorgará a los ciudadanos peruanos que presten servicios en la representación diplomática y en los Consulados de la República en los Estados Unidos de América.

Asimismo, para los efectos de la internación y venta de los vehículos de los funcionarios administrativos, se observará únicamente lo establecido en el artículo 2º del Decreto Supremo

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS

No. (H) : 6-3/13

Lima, February 4, 1961

Mr. Chargé d'Affaires :

I have the honor to refer to the recent conversations held with you on privileges to career diplomatic and consular officers, and, with reference to the terms of my note No. 171 dated December 28 last, I am happy to inform you that the Government of Peru would extend those benefits to national administrative employees of the United States appointed by your Government, with the knowledge of the Department of State and according to a list that your Embassy would submit periodically to this Office, the sole limitation being that they have not established permanent residence in Peru.

It is understood that equal treatment shall be accorded to Peruvian citizens serving in the diplomatic representation and in the consulates of the Republic in the United States of America.

Likewise, for the purposes of the importation and sale of vehicles of administrative officials, solely the provisions of Article 2 of Supreme Decree No. 620, dated September 13, 1958 and

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

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

Nº 620, de 13 Setiembre de 1958 y en el artículo 27º del Decreto Supremo Nº 69, de 18 de Febrero de 1954, respectivamente.

La presente nota y la respuesta de aceptación de Vuestra Señoría concluirán un Acuerdo entre nuestros Gobiernos.

Aprovecho la oportunidad para reiterar a Vuestra Señoría las seguridades de mi distinguida consideración.

Luis ALVARADO G.

Al Honorable señor

Jack D. Neal

Encargado de Negocios a. i.,
de los Estados Unidos de América
Ciudad

Article 27 of Supreme Decree No. 69, dated February 18, 1954, respectively, shall be observed.

The present note and your reply in acceptance shall conclude an agreement between our Governments.

I avail myself of the opportunity to renew to you the assurances of my distinguished consideration.

Luis ALVARADO G.

Mr. Jack D. Neal

Chargé d'Affaires ad interim
of the United States of America
City

IV

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

EMBASSY OF THE UNITED STATES OF AMERICA
LIMA, PERU

No. 252

February 13, 1961

Excellency:

I have the honor to acknowledge the receipt of your Note No. 13, dated February 4, 1961, concerning an agreement reciprocally extending customs privileges to the consular officers and administrative employees of our respective countries assigned to the diplomatic and consular establishments within the other country.

The Government of the United States welcomes the accord reached between our Governments by my earlier Note No. 156, of November 7, 1960, and by your Notes No. 171, of December 28, 1960, and No. 13, of February 4, 1961. Accordingly, this note and those mentioned constitute an agreement between our respective Governments, to enter into effect this date.

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

Jack D. NEAL
Chargé d'Affaires ad interim

His Excellency Dr. Luis Alvarado Garrido
Minister of Foreign Affairs
Republic of Peru