

**UNITED STATES OF AMERICA
and
COLOMBIA**

Agreement for financing certain educational exchange programs. Signed at Bogotá, on 9 January 1957

Exchange of notes constituting an agreement amending the above-mentioned Agreement. Bogotá, 27 December 1960

Exchange of notes constituting an agreement amending the above-mentioned Agreement of 9 January 1957, as amended. Bogotá, 3 and 11 May 1962

Official texts: English and Spanish.

Registered by the United States of America on 24 April 1963.

**ÉTATS-UNIS D'AMÉRIQUE
et
COLOMBIE**

Accord relatif au financement de certains programmes d'échanges dans le domaine de l'enseignement. Signé à Bogota, le 9 janvier 1957

Échange de notes constituant un avenant à l'Accord susmentionné. Bogota, 27 décembre 1960

Échange de notes constituant un avenant à l'Accord susmentionné du 9 janvier 1957, déjà modifié. Bogota, 3 et 11 mai 1962

Textes officiels anglais et espagnol.

Enregistrés par les États-Unis d'Amérique le 24 avril 1963.

No. 6676. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF COLOMBIA FOR FINANCING CERTAIN EDUCATIONAL EXCHANGE PROGRAMS. SIGNED AT BOGOTÁ, ON 9 JANUARY 1957

The Government of the United States of America and the Government of Colombia :

Desiring to promote further mutual understanding between the peoples of the United States of America and Colombia by a wider exchange of knowledge and professional talents through educational activities :

Considering that the Secretary of State of the United States of America may enter into an agreement for financing certain educational exchange programs from the currency of Colombia held or available for expenditure by the United States for such purposes :

Have agreed as follows :

Article 1

There shall be established a commission to be known as the Commission for Educational Exchange between the United States of America and Colombia (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Government of Colombia as an organization created and established to facilitate the administration of an educational program to be financed by funds made available to the Commission by the Government of the United States of America from funds held or available for expenditure by the United States for such purpose.

Except as provided in Article 3 hereof the Commission shall be except² from the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present Agreement. The funds and property which may be acquired with the funds in furtherance of the purposes of the Agreement shall be regarded in Colombia as property of a foreign government.

¹ Came into force provisionally on 9 January 1957, upon signature, and definitively on 1 January 1959, the date of approval by the Legislative Branch of the Republic of Colombia, in accordance with the provisions of article 11.

² According to information provided by the United States of America this word should read "exempt".

The funds made available under the present Agreement, within the conditions and limitations hereinafter set forth, shall be used by the Commission or such other instrumentality as may be agreed upon by the Government of the United States of America and the Government of Colombia for the purpose of :

- (1) Financing studies, research, instruction, and other educational activities of or for citizens of the United States of America in schools and institutions of higher learning located in Colombia, or of the citizens of Colombia in United States schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment of transportation, tuition, maintenance, and other expenses incident to scholastic activities : or
- (2) Furnishing transportation for citizens of Colombia who desire to attend United States schools and institutions of higher learning in the Continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and whose attendance will not deprive citizens of the United States of an opportunity to attend such schools and institutions.

Article 2

In furtherance of the aforementioned purposes, the Commission may, subject to the provisions of the present Agreement, exercise all powers necessary to the carrying out of the purposes of the present Agreement, including the following :

- (1) Plan, adopt and carry out programs in accordance with the purposes of the present Agreement.
- (2) Recommend to the Board of Foreign Scholarships, provided for in Section 1641 (b), Title 50, appendix of the United States Code, students, professors, research scholars, teachers, resident in Colombia, and institutions of Colombia qualified to participate in the program in accordance with the aforesaid Section.
- (3) Recommend to the aforesaid Board of Foreign Scholarships such qualifications for the selection of participants in the program as it may deem necessary for achieving the purpose and objectives of the present Agreement.
- (4) Acquire, hold, and dispose of property in the name of the Commission as the Board of Directors of the Commission may consider necessary or desirable, provided, however, that the acquisition of any real property shall be subject to the prior approval of the Secretary of State of the United States of America.
- (5) Authorize the Treasurer of the Commission or such other person as the Commission may designate to receive funds to be deposited in bank accounts in the name of the Treasurer of the Commission or such other person as may be designated.

The appointment of the Treasurer or such designee shall be approved by the Secretary of State of the United States of America. The Treasurer shall deposit funds received in a depository or depositories designated by the Secretary of State of the United States of America.

- (6) Authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of the present Agreement.
- 7) Provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors selected by the Secretary of State of the United States of America.
- (8) Incur administrative expenses as may be deemed necessary out of funds made available under the present Agreement.

Article 3

All commitments, obligations, and expenditures authorized by the Commission shall be made in accordance with an annual budget, to be approved by the Secretary of State of the United States of America.

Article 4

The management and direction of the affairs of the Commission shall be vested in a Board of Directors consisting of six members (hereinafter designated "the Board"), three of whom shall be citizens of the United States of America and three of whom shall be citizens of Colombia. In addition, the principal officer in charge of the Diplomatic Mission of the United States of America to Colombia (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Board. He shall cast the deciding vote in the event of a tie vote by the Board. The Colombian members shall include the Director of Icetex and two others to be selected by agreement between the Government of Colombia and the United States Chief of Mission in Colombia. Of the citizens of the United States of America, two shall be officers of the United States Foreign Service establishment in Colombia; one of them shall serve as Chairman of the Board, and one of them shall serve as Treasurer.

The members shall serve from the time of their appointment until the following December 31 and shall be eligible for reappointment. Vacancies by reason of resignation, transfer of residence outside of Colombia, expiration of service, or otherwise, shall be filled in accordance with the appointment procedure set forth in this article.

The members shall serve without compensation but the Board may authorize the payment of the necessary expenses of the members in attending the meetings of the Board and in performing other official duties assigned by the Board.

Article 5

The Board shall adopt such by-laws and appoint such committees as it shall deem necessary for the conduct of the affairs of the Commission.

Article 6

Reports acceptable in form and content to the Secretary of State of the United States of America shall be made annually on the activities of the Commission to the Secretary of State of the United States of America and the Government of Colombia.

Article 7

The principal office of the Commission shall be in the capital city of Colombia but meetings of the Board and any of its committees may be held in such other places as the Board may from time to time determine, and the activities of any of the Commission's officers or staff may be carried on at such places as may be approved by the Board.

Article 8

The Government of the United States of America and the Government of Colombia agree that currency of Colombia acquired by the Government of the United States pursuant to the Surplus Agricultural Commodities Agreement dated June 23, 1955¹ (hereinafter referred to as the Commodities Agreement), up to an aggregate amount of the peso equivalent of \$300,000 (United States currency) may be used for purposes of this Agreement. When currency of Colombia acquired by the Government of the United States pursuant to the Commodities Agreement is deposited by the Government of the United States for purposes of this Agreement, the rate of exchange to be used in determining the amount of currency of Colombia to be so deposited shall be the rate specified in paragraph 2(b) of Article III of the Commodities Agreement.

In addition to the funds provided in paragraph 1 of this article, the Government of the United States of America and the Government of Colombia agree that currency of Colombia acquired by the Government of the United States pursuant to the Surplus Agricultural Commodities Agreement dated December 20, 1955,² up to an aggregate of 502,000 pesos may be used for purposes of this Agreement.

Article 9

The Government of the United States of America and the Government of Colombia shall make every effort to facilitate the exchange of persons programs authorized

¹ United Nations, *Treaty Series*, Vol. 263, p. 337, and Vol. 283, p. 345.

² United Nations, *Treaty Series*, Vol. 241, p. 25, and Vol. 283, p. 328.

in this Agreement and the Convention for the Promotion of Inter-American Cultural Relations¹ and to resolve problems which may arise in the operations thereof.

Article 10

Wherever, in the present Agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

Article 11

The present Agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of Colombia.

The present Agreement shall come into force provisionally upon the date of signature, subject to subsequent approval by the Legislative Branch of the Republic of Colombia.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Government, have signed the present Agreement.

DONE at Bogotá in duplicate, in the English and Spanish languages each of which shall be of equal authenticity this ninth day of January, nineteen hundred and fifty seven.

For the Government
of the United States of America :

C. MONTAGU PIGOTT

For the Government
of the Republic of Colombia :

J. M. RIVAS SACCONI

¹ United States of America : *Treaties and Other International Acts Series* 3936.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
COLOMBIA AMENDING THE AGREEMENT OF 9 JA-
NUARY 1957² FOR FINANCING CERTAIN EDUCATIONAL
EXCHANGE PROGRAMS. BOGOTÁ, 27 DECEMBER 1960

I

The American Ambassador to the Colombian Minister of Foreign Relations

Bogotá, December 27, 1960

No. 157

Excellency :

I have the honor to refer to the agreement between the Government of the United States of America and the Government of Colombia dated January 9, 1957,² for financing certain educational exchange programs.

I have the honor also to refer to recent conversations between the representatives of our two Governments concerning the desirability of increasing the level of the educational exchange program and to confirm the understanding reached that the agreement of January 9, 1957, shall be modified by inserting after the paragraph two of Article 8 the following paragraphs :

“In addition to the funds provided in paragraphs one and two of this article, the Government of the United States of America and the Government of Colombia agree that currency of Colombia acquired by the Government of the United States of America pursuant to the Surplus Agricultural Commodities Agreements dated April 16, 1957,³ and March 14, 1958,⁴ as amended, up to an aggregate amount of 10,879,050 pesos may be used for the purposes of this Agreement.”

“The performance of this agreement shall be subject to the availability of appropriations to the Secretary of State of the United States of America when required by the laws of the United States of America.”

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

¹ Came into force on 27 December 1960 by the exchange of the said notes.

² See p. 152 of this volume.

³ United Nations, *Treaty Series*, Vol. 283, p. 245 ; Vol. 291, p. 365 ; Vol. 293, p. 361 ; Vol. 336, p. 392 ; Vol. 343, p. 360, and Vol. 407, p. 266.

⁴ United Nations, *Treaty Series*, Vol. 308, p. 115 ; Vol. 335, p. 346 ; Vol. 337, p. 434, and Vol. 407, p. 272.

an amendment to the Agreement of January 9, 1957, to be operative provisionally on the date of your note in reply.

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

Dempster McINTOSH

His Excellency Julio César Turbay Ayala
Minister of Foreign Relations
Bogotá

II

The Colombian Minister of Foreign Relations to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE RELACIONES EXTERIORES

Bogotá, D.E. 27 de diciembre de 1960

No. GM 745

Señor Embajador :

Tengo el honor de referirme a la nota de Vuestra Excelencia número 157 de esta fecha, que trata del Acuerdo entre el Gobierno de Colombia y el Gobierno de los Estados Unidos de América, de 9 de enero de 1957, sobre financiación de ciertos programas de intercambio educativo.

Asimismo, tengo el honor de referirme a las recientes conversaciones celebradas entre los representantes de nuestros dos gobiernos respecto a la conveniencia de incrementar el nivel del programa de intercambio educativo y de confirmar el entendimiento a que se llegó, sobre la base de que el Acuerdo de 9 de enero de 1957 sea adicionado mediante la inserción, después del párrafo 2o. del Artículo 8o., de los siguientes párrafos :

« En adición a los fondos provistos en los párrafos 1o. y 2o. del presente Artículo, el Gobierno de Colombia y el Gobierno de los Estados Unidos de América acuerdan que las divisas de Colombia, adquiridas por el Gobierno de los Estados Unidos en desarrollo de los Acuerdos de Excedentes Agrícolas de fechas 16 de abril de 1957 y 14 de marzo de 1958, con enmiendas, puedan utilizarse para los fines del presente Acuerdo hasta por la suma total de \$10.879.050,00.

« El cumplimiento del presente Acuerdo quedará sujeto a la disponibilidad de apropiaciones a favor del Secretario de Estado de los Estados Unidos de América cuando ello se requiera por las Leyes de los Estados Unidos de América. »

En consecuencia, expreso a Vuestra Excelencia la conformidad del Gobierno de Colombia acerca de los términos del Acuerdo a que se refiere su nota 157 arriba mencionada, cuyas cláusulas esenciales quedan transcritas en la presente.

Aprovecho complacido la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

Julio César TURBAY
Ministro de Relaciones Exteriores

A su Excelencia Señor Dempster McIntosh
Embajador Extraordinario y Plenipotenciario de los Estados Unidos
Ciudad

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN RELATIONS

Bogotá, D.E., December 27, 1960

No. GM 745

Mr. Ambassador :

I have the honor to refer to Your Excellency's note No. 157 of this date, relating to the Agreement between the Government of Colombia and the Government of the United States of America, dated January 9, 1957, for financing certain educational exchange programs.

I have the honor also to refer to recent conversations between the representatives of our two Governments concerning the desirability of increasing the level of the educational exchange program and to confirm the understanding reached, to the effect that the Agreement of January 9, 1957 shall be modified by inserting after paragraph 2 of Article 8 the following paragraphs :

[*See note I*]

Consequently, I inform Your Excellency that the Government of Colombia accepts the terms of the Agreement referred to in your note 157 mentioned above, the essential clauses of which are transcribed herein.

I take pleasure in availing myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

Julio César TURBAY
Minister of Foreign Relations

His Excellency Dempster McIntosh
Ambassador Extraordinary and Plenipotentiary of the United States
City

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

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

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
COLOMBIA AMENDING THE AGREEMENT OF 9 JA-
NUARY 1957,² AS AMENDED,³ FOR FINANCING CER-
TAIN EDUCATIONAL EXCHANGE PROGRAMS. BOGOTA,
3 AND 11 MAY 1962.

I

The American Ambassador to the Colombian Minister of Foreign Relations

EMBASSY OF THE UNITED STATES OF AMERICA

Bogotá, May 3, 1962

No. 346

Excellency :

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of Colombia dated January 9, 1957,² and amended December 27, 1960,³ and approved by the Colombian Congress under Law 86, 1958, for financing certain educational exchange programs.

I have the honor also to refer to the above mentioned amendment which was made effective under the assumption that the original Agreement had not yet been approved by the Colombian Congress. Accordingly, the next-to-last paragraph of the Note No. 157 from the Embassy of the United States of America of December 27, 1960, reads as follow :

“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 amendment to the Agreement of January 9, 1957, to be operative provisionally on the date of your note in reply.”

In as much as the Colombian Congress did indeed approve the original Agreement of January 9, 1957, the next-to-last paragraph of Note No. 157 of December 27, 1960, should be altered to read as follows :

“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 reply thereto constitute an amendment to the Agreement of January 9, 1957, to be effective on the date of your note in reply”.

¹ Came into force on 11 May 1962 by the exchange of the said notes.

² See p. 152 of this volume.

³ See p. 162 of this volume.

Upon receipt of a note from your Excellency indicating that the above mentioned change in wording is acceptable to the Government of Colombia, the Government of the United States of America will consider this note and your reply thereto a second amendment to the Agreement of January 9, 1957, to be effective on the date of your note in reply.

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

Fulton FREEMAN

His Excellency José Joaquín Caicedo Castilla
Minister of Foreign Relations
Bogotá

II

The Colombian Minister of Foreign Relations to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

REPUBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES

Bogotá, mayo 11 de 1962

O.E. 1657

Señor Embajador :

Tengo el honor de avisar recibo de la nota de Vuestra Excelencia número 346, de fecha 3 de los corrientes, que en su traducción a la letra dice :

« Excelencia : Tengo el honor de referirme al Convenio entre el Gobierno de Colombia y el Gobierno de los Estados Unidos de América, fechado el 9 de enero de 1957 y enmendado el 27 de diciembre de 1960 y aprobado por el Congreso de Colombia con arreglo a la Ley 86 de 1958, para la financiación de ciertos programas de intercambio educativo.

También tengo el honor de referirme a la precitada enmienda que fue puesta en vigencia en el supuesto de que el Convenio no había sido aprobado todavía por el Congreso Colombiano. En consecuencia, el penúltimo párrafo de la Nota No. 157 de la Embajada de los Estados Unidos de América, fechada el 27 de diciembre de 1960, reza lo siguiente :

« Al recibo de una Nota de S.E., en la que se indique que las disposiciones anteriores son satisfactorias al Gobierno de Colombia, el Gobierno de los Estados Unidos de América considerará que esta Nota y la respuesta de S.E. a la misma constituyen una enmienda al Convenio del 9 de enero de 1957, la cual ha de entrar en vigencia provisionalmente en la fecha de la Nota de respuesta de S.E. »

Dado que el Congreso Colombiano sí aprobó el Convenio original del 9 de enero de 1957, el penúltimo párrafo de la Nota No. 157 del 27 de diciembre de 1960, debe alterarse de la siguiente manera :

« Al recibo de una Nota de S.E., en la que se indique que las disposiciones anteriores son satisfactorias al Gobierno de Colombia, el Gobierno de los Estados Unidos de América considerará que esta Nota y la respuesta a la misma constituirán una enmienda al Convenio del 9 de enero de 1957, la cual ha de entrar en vigencia en la fecha de la Nota de respuesta de S.E. »

Al recibo de una Nota de S.E., en la cual se indique que el precitado cambio de redacción es satisfactorio al Gobierno de Colombia, el Gobierno de los Estados Unidos de América considerará esta Nota y la respuesta de S.E. a la misma como una segunda enmienda al Convenio del 9 de enero de 1957, la cual ha de entrar en vigencia en la fecha de la Nota de respuesta de S.E.

Sírvase aceptar, Excelencia, los sentimientos renovados de mi más alta consideración. (*Fdo.*) Fulton FREEMAN. »

En consecuencia me complace manifestar a Vuestra Excelencia que el Gobierno de Colombia acepta la propuesta contenida en la citada nota y de acuerdo con la sugerencia allí consignada, la nota de Vuestra Excelencia y esta respuesta se considerarán como una segunda enmienda al Convenio del 9 de enero de 1957 entre nuestros dos Gobiernos, que entrará en vigencia en la fecha.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

José Joaquín CAICEDO CASTILLA

A Su Excelencia el Señor Fulton Freeman
Embajador Extraordinario y
Plenipotenciario de los Estados Unidos de América
La Ciudad

[TRANSLATION¹ — TRADUCTION²]

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN RELATIONS

Bogotá, May 11, 1962

O.E. 1657

Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's note No. 346 dated the 3d of this month, which in translation reads as follows :

[*See note I*]

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

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

Consequently, I am happy to inform Your Excellency that the Government of Colombia accepts the proposal contained in the aforesaid note and that, in accordance with the suggestion made therein, Your Excellency's note and this reply will be considered a second amendment to the Agreement of January 9, 1957 between our two Governments, to be effective on this date.

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

José Joaquín CAICEDO CASTILLA

His Excellency Fulton Freeman
Ambassador Extraordinary and Plenipotentiary of the United States of America
City