

No. 10847

UNITED STATES OF AMERICA
and
GUATEMALA

Exchange of notes constituting an agreement relating to the importation into the United States, for consumption, of meat, during the calendar year 1970 (with related notes). Guatemala, 10 February and 25 March 1970

Authentic texts: English and Spanish.

Registered by the United States of America on 1 December 1970.

ÉTATS-UNIS D'AMÉRIQUE
et
GUATEMALA

Échange de notes constituant un accord relatif à l'importation aux États-Unis, durant l'année civile 1970, de viandes destinées à la consommation (avec notes connexes). Guatemala, 10 février et 25 mars 1970

Textes authentiques: anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 1^{er} décembre 1970.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
GUATEMALA RELATING TO THE IMPORTATION INTO
THE UNITED STATES, FOR CONSUMPTION, OF MEAT,
DURING THE CALENDAR YEAR 1970

I

*The American Ambassador to the Minister of Foreign Relations
of Guatemala*

Guatemala, February 10, 1970

No. 35

Excellency:

I have the honor to refer to discussions between representatives of our two Governments relating to the importation into the United States for consumption of fresh, chilled, or frozen cattle meat (Item 106.10 of the tariff schedules of the United States) and fresh, chilled, or frozen meat of goats and sheep, except lambs (Item 106.20 of the tariff schedule of the United States) during the calendar year 1970.

I am able to inform you that the Governments of all countries which are major suppliers of such meats to the United States have agreed to participate in the 1970 restraint program discussed by our representatives. These agreements are being embodied in exchanges of Notes between the Government of the United States of America and the Government of the respective countries.

I propose that the agreement between our two Governments should provide as follows:

1. On the basis of the foregoing, and subject to paragraph 4, the permissible total quantity of imports of such meats into the United States during the calendar year 1970 shall be 1,061.5 million pounds and the Government of Guatemala and the Government of the United States of America shall respectively undertake responsibilities as set forth below for regulating exports to, and imports into, the United States.

2. The Government of Guatemala shall limit the quantity of such meats originating in Guatemala and during the calendar year 1970 entered or withdrawn from warehouse for consumption in the United States to 22.3

¹ Came into force on 25 March 1970, the date of the note in reply, in accordance with the provisions of the said notes.

million pounds or such higher figure as may result from adjustments pursuant to paragraph 4.

3. The Government of the United States of America may limit imports of such meats of Guatemala origin, whether by direct or indirect shipments, through issuance of regulations governing the entry or withdrawal from warehouse for consumption in the United States, provided that,

- (A) Such regulations shall not be employed to govern the timing of entry or withdrawal from warehouse for consumption of such meat from Guatemala;
- (B) Such regulations shall be issued only after consultation with the Government of Guatemala pursuant to paragraph 6, and only in circumstances where it is evident after such consultations that the quantity of such meat likely to be presented for entry or withdrawal from warehouse for consumption in the calendar year 1970 will exceed the quantity specified in paragraph 2, as it may be increased pursuant to paragraph 4.

4. The Government of the United States of America may increase the global quantity of imports of such meats into the United States or may allocate any shortfall in a share of the global quantity. Thereupon, if no shortfall is estimated for Guatemala, such increase in global quantity or shortfall shall be allocated to Guatemala in the proportion that 22.3 million pounds bears to the total initial shares from all countries which are estimated to have no shortfall for the calendar year 1970.

5. The Government of the United States of America shall separately report meats rejected as unfit for human consumption, and such meats will not be regarded as part of the quantity described in paragraph 2.

6. The Government of Guatemala and the Government of the United States of America shall consult promptly upon the request of either Government regarding any matter involving the application, interpretation or implementation of this agreement, and regarding increase in the global quantity and allocation of shortfall.

7. In the event that quotas on the imports of such meats should become necessary, the representative period used by the Government of the United States of America for calculation of the quota of Guatemala shall not include the period between October 1, 1968 and December 31, 1970.

I have the honor to propose that, if the foregoing is acceptable to the Government of Guatemala, this Note together with your Excellency' confirmatory reply, shall constitute an agreement between our two Governments which shall enter into force on the date of your reply.

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

His Excellency Alberto Fuentes Mohr
Minister of Foreign Relations
Guatemala

NATHANIEL DAVIS

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

A. FUENTES MOHR

Excelentísimo Señor Nathaniel Davis
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América.
Ciudad

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF GUATEMALA
Bureau of Foreign Policy

Guatemala, March 25, 1970

06555
AM-11 PE-5.16

Mr. Ambassador:

I have the honor to refer to your note No. 35 of February 10, 1970, in which you refer to talks between representatives of our two Governments relating to the importation of fresh, chilled, or frozen meat by the United States during the calendar year 1970.

In that note Your Excellency points out that all countries which are major suppliers of such meats to the United States have agreed to a program for the restraint of exports, which is being embodied in exchanges of notes between the Government of the United States and the Governments of the countries concerned.

With respect to the foregoing, my Government wishes to make its position clear, to the effect that our acceptance in principle of a limitation on Guatemalan exports of meat to the United States derives solely and exclusively from the possibility which has been made known to us that the United States Government might establish import quotas in conformity with Public Law No. 88-482. In this sense, I must indicate our disagreement with a system which, either through the so-called voluntary export quotas or through the application of import quotas by the United States is completely in conflict with the free trade policy and with the efforts to diversify exports of the economically less developed countries which your country has supported, and with the principles of economic cooperation which have

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

² Traduction fournie par le Gouvernement des États-Unis d'Amérique.

been established in various inter-American agreements and numerous statements by high United States officials.

In addition to setting forth the above point of view, the Government of Guatemala feels obliged upon accepting in principle the restraint of meat exports to the United States, to make a formal reservation regarding its intention to renegotiate with the Government of the United States, bilaterally as well as in international meetings, the matter of the level of export quotas established, and to lend its support to similar efforts by other Central American countries.

Replying specifically to the points communicated by Your Excellency as the basis for an agreement between our two Governments and referring to each one in order, I take the liberty of stating as follows:

1. The Government of Guatemala has taken note of the fact that the total permissible quantity of imports into the United States of the meats forming the subject of the agreement, during the calendar year 1970, will be 1,061.5 million pounds. With respect to this point, Guatemala makes itself the spokesman for the Latin American sentiment expressed in the Consensus of Viña del Mar and at the last meeting of the Inter-American Economic and Social Council, which recommended that at each annual readjustment of the global quantity of imports of basic products allowed by your Government, among which meats are included, the increase resulting from the secular trend should be assigned to the countries or relatively less economic development, so that they might free themselves of dependence on a single export item.

2. The Government of Guatemala will restrict the export to the United States of the said meats originating in Guatemala during the calendar year 1970 to 22.3 million pounds or such higher amount as may result from adjustments made in conformity with paragraph 4 of your note.

The Government of Guatemala reserves its position to the effect that meat exported in-bond during 1969 is not to be included in the quota assigned for the current year, which will be negotiated in accordance with paragraph 6 of your note.

3. The Government of Guatemala has taken note of the contents of paragraph 3 of your note to the effect that:

[See note I]

and accepts it with the reservation noted under the preceding point.

4. The Government of Guatemala has taken note of the contents of paragraph 4 of your note to the effect that:

[See note I]

but makes the reservation, in conformity with the provisions of paragraph 6, that it will seek, through bilateral negotiations or in international meetings, to have Guatemala's situation as a country participating in an economic integration program and its status as an American country of relatively less economic development taken into consideration when adjustments to basic quotas are made.

To fail to do this would be contrary to the Consensus of Viña del Mar and the resolutions adopted at the last meetings of the Inter-American Economic and Social Council.

5. The Government of Guatemala has noted and accepts the contents of paragraph 5, which reads:

[See note I]

6. The Government of Guatemala has noted and accepts the contents of paragraph 6, which reads:

[See note I]

7. The Government of Guatemala has taken note of paragraph 7, but reiterates its position opposing the establishment of import quotas that hinder free trade between nations. Moreover, it cannot agree that if your Government establishes an import quota, it should be based on a period of years unfavorable to Guatemala, which would result in the establishment of a quota lower than the amount exported during the last year, with the consequent disastrous effect on the livestock industry and on the country in general.

If the United States Government should unilaterally establish a specific quota, it would do so on the basis of a domestic law, the validity of which the Government of Guatemala will not consider here from a legal standpoint but which in its application would be detrimental to good inter-American relations.

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

A. FUENTES MOHR

His Excellency Nathaniel Davis
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Guatemala

RELATED NOTES

I

Guatemala, May 14, 1970

No. 100

Excellency:

I have the honor to refer to Your Excellency's Note No. AM-11 PE-5.16 of March 25, 1970, in response to my Note No. 35 of February 10, 1970, in the matter of an agreement between our respective governments relative to the importation into the United States of fresh Guatemalan meat during calendar year 1970.

May I seek of Your Excellency a clarification on two points in the Note of March 25. One is contained in numbered paragraph two, and relates to the intent of Your Excellency's Government in referring to "exports of such meats originating in Guatemala".

The second is also contained in numbered paragraph two, and relates to the Government's reservation of its position in respect of certain in-bond shipments of meat during calendar year 1969.

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

NATHANIEL DAVIS

His Excellency Alberto Fuentes Mohr
Minister of Foreign Relations
Guatemala

II

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE GUATEMALA, C.A.

Dirección de Política Exterior

Guatemala, 21 de mayo de 1970

10977

AM-11 PE-5.16

Señor Embajador :

Tengo a honra referirme a la atenta nota de Vuestra Excelencia número 100, de fecha 14 de los corrientes, por medio de la cual se sirvió solicitar a esta Cancillería una clarificación sobre dos puntos contenidos en el párrafo 2 de mi nota número 6555 Clas. AM-11 PE-5.16, de fecha 25 de marzo recién pasado.

Ampliando los conceptos del numeral 2 a que se refiere Vuestra Excelencia en su nota, tenemos :

a) El primer párrafo contiene la declaración concreta del Gobierno de Guatemala en el sentido que limitará el monto de la carne introducida para consumo a los Estados Unidos en el curso del año calendario 1970, a los 22,3 millones de libras que nos fuera fijado como límite para el presente año, o una cifra más alta que pueda resultar de ajustes conforme al párrafo 4 de la nota de Vuestra Excelencia número 35.

b) El segundo párrafo es siempre una reserva que admitimos, que está sujeta a la negociación que contempla el párrafo 6 de la nota de Vuestra Excelencia número 35, que establece el procedimiento a seguir en todo lo que se refiere a la aplicación, interpretación o implementación de este acuerdo, y en relación a incrementos en la cantidad global y en la asignación de cuotas complementarias o ampliaciones debido a mermas.

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

[Signed — Signé]

ALBERTO FUENTES MOHR

Ministro de Relaciones Exteriores

Excelentísimo Señor Nathaniel Davis
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América
Ciudad

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF GUATEMALA
Bureau of Foreign Policy

Guatemala, May 21, 1970

10977
AM-11 PE-5.16

Mr. Ambassador :

I have the honor to refer to Your Excellency's note No. 100, dated May 14, 1970, in which you were good enough to request of this Ministry of Foreign Affairs a clarification on two points contained in paragraph 2 of my note No. 6555 Clas. AM-11 PE-5.16 of March 25, 1970.

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

² Traduction fournie par le Gouvernement des États-Unis d'Amérique.

In clarification of item 2, to which Your Excellency refers in your note, we state as follows :

(a) The first paragraph contains the specific declaration of the Government of Guatemala that it will limit the quantity of meat introduced into the United States for consumption during the calendar year 1970 to the 22.3 million pounds set for us as a limit for this year, or to such higher figure as may result from adjustments in conformity with paragraph 4 of Your Excellency's note No. 35.

(b) The second paragraph contains a reservation which we acknowledge is subject to negotiation as provided for in paragraph 6 of Your Excellency's note No. 35, which sets forth the procedure to be followed in all matters concerning the application, interpretation, or implementation of this agreement and concerning increases in the global quantity and the allocation of supplementary quotas or increases because of shortfalls.

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

[Signed]

ALBERTO FUENTES MOHR
Minister of Foreign Affairs

His Excellency Nathaniel Davis
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Guatemala