

No. 11499

**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 1971. Guatemala, 10 February, 31 March, 28 April and 5 May 1971

Authentic texts: English and Spanish.

Registered by the United States of America on 5 January 1972.

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

Échange de notes constituant un accord relatif à l'importation aux États-Unis, durant l'année civile 1971, de viande destinée à la consommation. Guatemala, 10 février, 31 mars, 28 avril et 5 mai 1971

Textes authentiques: anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 5 janvier 1972.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT ¹
BETWEEN THE UNITED STATES OF AMERICA AND
GUATEMALA RELATING TO THE IMPORTATION
INTO THE UNITED STATES, FOR CONSUMPTION,
OF MEAT, DURING THE CALENDAR YEAR 1971

I

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

No. 21

Guatemala, February 10, 1971

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 schedules of the United States) during the calendar year 1971, and to the agreements between the United States and other countries, including Guatemala, ² constituting the 1970 restraint program concerning shipments of such meats to the United States.

With the understanding that similar agreements also will be concluded for the calendar year 1971 with the Governments of all of the countries that participated in the 1970 restraint program, I have the honor to propose the following agreement between our two Governments:

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 1971 from countries participating in the restraint program shall be 1,075.0 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 exports of the aforementioned meats so that the quantity of such meats originating in Guatemala and during the calendar year 1971 entered or withdrawn from warehouse for consumption in the

¹ Came into force on 5 May 1971, the date of the last note in reply, in accordance with the provisions of the said notes.

² See "Exchange of notes constituting an agreement 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, Guatemala, 10 February and 25 March 1970" in United Nations, *Treaty Series*, vol. 756, p. 75.

United States does not exceed 23.6 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 Guatemalan 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; and
- (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 1971 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 permissible total quantity of imports of such meats into the United States during the calendar year 1971 from countries participating in the restraint program or may allocate any estimated shortfall in a share of the restraint program quantity or in the initial estimates of imports from countries not participating in the restraint program. Thereupon, if no shortfall is estimated for Guatemala such increase or estimated shortfall shall be allocated to Guatemala in the proportion that 23.6 million pounds bears to the total initial shares from all countries participating in the restraint program which are estimated to have no shortfall for the calendar year 1971. The foregoing allocation shall not apply to any increase in the estimate of imports from countries not participating in the 1971 restraint program.

5. The Government of the United States of America shall separately report meats rejected as unacceptable for human consumption under United States inspection standards, 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 total quantity permissible under the restraint program 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 for Guatemala shall not include the period between October 1, 1968 and December 31, 1971.

I have the honor to propose that, if the foregoing is acceptable to the Government of Guatemala, this note together with your Excellency's 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.

NATHANIEL DAVIS

His Excellency Roberto Herrera Ibargüen
Minister of Foreign Relations
Guatemala

II

[SPANISH TEXT — TEXTE ESPAGNOL]

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

11-5/AM.10 7326

Guatemala, 31 de marzo de 1971

Señor Embajador:

Tengo el honor de referirme a la atenta nota de Vuestra Excelencia, número 21, de fecha 10 de febrero del año en curso, que literalmente dice:

«Tengo el honor de referirme a las conversaciones entre representantes de nuestros dos Gobiernos relacionadas con las exportaciones a los Estados Unidos, de carne fresca, refrigerada o congelada, de ganado vacuno (Rubro 106.10 del cuadro de tarifas de los Estados Unidos) y carne fresca, refrigerada o congelada de ganado ovino y caprino, exceptuando corderos (Rubro 106.20 del cuadro de tarifas de los Estados Unidos) durante el año calendario de 1971, y a los convenios celebrados entre los Estados Unidos y otros países, incluyendo Guatemala, que constituyen el programa de restricciones de 1970 concerniente a embarques de tales carnes a los Estados Unidos.

«En el entendido de que también se celebrarán convenios similares para el año de 1971 con los Gobiernos de todos los países que participaron en el programa de restricciones de 1970, tengo el honor de proponer el siguiente convenio entre nuestros dos Gobiernos:

«1. Con base en lo anterior, y sujeto al párrafo 4, la cantidad total permisible de exportaciones de tales carnes a los Estados Unidos durante el año calendario de 1971, de los países que participan en el programa de restricciones será 1075.0 millones de libras, y el Gobierno de Guatemala y el Gobierno de los Estados Unidos de América deberán respectivamente asumir las responsabilidades indicadas a continuación para reglamentar las exportaciones con destino a los Estados Unidos y las importaciones de los Estados Unidos.

«2. El Gobierno de Guatemala limitará sus exportaciones de las carnes arriba mencionadas para que la cantidad de tales carnes originarias de

de los Estados Unidos de América para calcular la cuota de Guatemala, no comprenderá el período entre el 1.º de octubre de 1968 y el 31 de diciembre de 1971.

«Tengo el honor de proponer que si lo anterior es aceptable al Gobierno de Guatemala, esta nota, junto con la nota de respuesta de Vuestra Excelencia, constituyan un convenio entre nuestros dos Gobiernos, el cual entrará en vigor en la fecha de la respuesta de Vuestra Excelencia.»

En respuesta, me complace informar a Vuestra Excelencia que el Gobierno de Guatemala, en el entendido de que la cuota de exportación de 23.6 millones de libras indicada será ampliada en el futuro, para dar mayor auge en esa rama a la industria y comercio de mi país, acepta en todos sus términos el convenio propuesto en la nota arriba transcrita. Por consiguiente, dicha nota y la presente constituyen un convenio formal entre nuestros dos Gobiernos sobre la materia, el cual entrará en vigor en esta misma fecha.

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

[Signed — Signé]

ROBERTO HERRERA IBARGÜEN
Ministro de Relaciones Exteriores

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

[TRANSLATION ¹ — TRADUCTION ²]

MINISTRY OF FOREIGN RELATIONS
REPUBLIC OF GUATEMALA, C.A.

11-5/AM.10 7326

Guatemala, March 31, 1971

Excellency:

I have the honor to refer to Your Excellency's note No. 21 of February 10, 1971, which reads as follows:

[See note I]

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

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

In reply, it is my pleasure to inform Your Excellency that the Government of Guatemala, with the understanding that the export quota of 23.6 million pounds indicated will be increased in the future, in order to give greater stimulus to this branch of industry and commerce of my country, accepts in all its terms the agreement proposed in the note transcribed above. Consequently, that said note and this note in reply constitute a formal agreement between our two Governments in this matter which shall enter into force on this same date.

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

[Signed]

ROBERTO HERRERA IBARGÜEN
Minister of Foreign Relations

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

III

The American Ambassador to the Guatemalan Minister of Foreign Relations

No. 65

Guatemala, April 28, 1971

Excellency:

I have the honor to refer to my Note No. 21 of February 10, 1971, Your Excellency's Note in reply, No. 11-5/Am. 10 (7326) of March 31, 1971, and our conversation of April 13, 1971, relating to an agreement between our respective Governments on the importation into the United States of certain types of Guatemalan meat during calendar year 1971.

I would appreciate Your Excellency's confirmation that the phrase "with the understanding that the export quota of 23.6 million pounds indicated will be increased in the future in order to give greater stimulus to this branch of industry and commerce of my country" represents an expression of the Guatemalan Government's hope that the allocation may be increased in the future, and is not a modification or a condition of Guatemala's acceptance in all its terms, of the agreement proposed in my Note No. 21 of February 10, 1971.

I have the honor to propose that, if the foregoing is acceptable to the Government of Guatemala, my above described Note of February 10, 1971,

and Your Excellency's Note of March 31, 1971, together with this Note and Your Excellency's affirmative reply, shall constitute an agreement between our two Governments which shall enter into force on the date of Your Excellency's reply.

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

NATHANIEL DAVIS

His Excellency Roberto Herrera Ibargüen
Minister of Foreign Relations
Guatemala

IV

[SPANISH TEXT — TEXTE ESPAGNOL]

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

11-5/AM.10 10007

Guatemala, 5 de mayo de 1971

Señor Embajador:

Tengo el honor de referirme a la atenta nota de Vuestra Excelencia, número 65, de fecha 28 de abril último, cuya traducción literalmente dice:

« Tengo el honor de referirme a mi Nota No. 21 del 10 de febrero de 1971, a la respuesta de Vuestra Excelencia No. 11-5/Am. 10 (7326) del 31 de marzo de 1971, y a nuestra conversación del 13 de abril de 1971, referente a un convenio entre nuestros respectivos Gobiernos sobre la importación por parte de los Estados Unidos de ciertos tipos de carne de Guatemala, durante el año calendario 1971.

« Mucho agradecería tener una confirmación de Vuestra Excelencia sobre que la frase « en el entendido de que la cuota de exportación de 23.6 millones de libras indicadas será aumentada en el futuro con el fin de dar mayor estímulo a esta rama de la industria y comercio de mi país » representa una expresión de que el Gobierno de Guatemala espera que la asignación pueda ser aumentada en el futuro y que la misma no es una modificación o una condición para la aceptación por parte de Guatemala de todos los términos del convenio propuesto en mi Nota No. 21 del 10 de febrero de 1971.

« Tengo el honor de proponer que mi referida Nota del 10 de febrero de 1971 y la respuesta de Vuestra Excelencia del 31 de marzo de 1971, junto con esta Nota y la respuesta afirmativa de Vuestra Excelencia a la misma, constituyan un convenio entre nuestros dos Gobiernos el cual

entrará en vigor en la fecha de la respuesta de Vuestra Excelencia a la presente. »

En debida respuesta, me complace confirmar a Vuestra Excelencia que la frase « en el entendido de que la cuota de exportación de 23.6 millones de libras indicadas será aumentada en el futuro con el fin de dar mayor estímulo a esta rama de la industria y comercio de mi país », contenida en mi nota de 31 de marzo de 1971, no es una modificación o una condición para la aceptación por parte de Guatemala de todos los términos del convenio propuesto en la nota de Vuestra Excelencia número 21 del 10 de febrero del mismo año de 1971, sino simplemente la expresión del deseo del Gobierno de Guatemala en el sentido de que la asignación de la cuota de exportación de 23.6 millones de libras de carne pueda ser aumentada en el futuro con el fin de dar mayor estímulo a esta rama de la industria y del comercio de mi país.

En tal virtud, la citada nota de 10 de febrero de 1971 y mi respuesta del 31 de marzo del mismo año, junto con la nota número 65 que contesto y la presente, constituyen un convenio formal entre nuestros dos gobiernos sobre la materia, el cual entrará en vigor en esta misma fecha.

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

ROBERTO HERRERA

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

[TRANSLATION ¹ — TRADUCTION ²]

The Guatemalan Minister of Foreign Relations to the American Ambassador

MINISTRY OF FOREIGN RELATIONS
REPUBLIC OF GUATEMALA, C.A.

11-5/AM.10 10007

Guatemala, May 5, 1971

Excellency:

I have the honor to refer to Your Excellency's note No. 65 of April 28, 1971, which reads in translation as follows:

[See note III]

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

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

In reply, I take pleasure in confirming to Your Excellency that the phrase “with the understanding that the export quota of 23.6 million pounds indicated will be increased in the future in order to give greater stimulus to this branch of industry and commerce of my country”, contained in my note of March 31, 1971, is not a modification or a condition of Guatemala’s acceptance, in all its terms, of the agreement proposed in Your Excellency’s note No. 21 of February 10, 1971, but is simply the expression of the Guatemalan Government’s hope that the export quota of 23.6 million pounds of meat may be increased in the future in order to give greater stimulus to this branch of industry and commerce of my country.

On this basis, the aforementioned note of February 10, 1971 and my reply of March 31, 1971, together with note No. 65 and this reply thereto, constitute a formal agreement between our two Governments on this matter, which shall enter into force on this same date.

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

ROBERTO HERRERA

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