

No. 12209

**UNITED STATES OF AMERICA
and
ARGENTINA**

Exchange of notes constituting an agreement regarding deposits for military assistance under the Foreign Assistance Act of 1971. Buenos Aires, 4 April and 8 June 1972

Authentic texts : English and Spanish.

Registered by the United States of America on 29 December 1972.

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

Échange de notes constituant un accord relatif aux dépôts effectués au titre de l'assistance militaire en vertu de la loi sur l'aide à l'étranger de 1971. Buenos Aires, 4 avril et 8 juin 1972

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 29 décembre 1972.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
ARGENTINA REGARDING DEPOSITS FOR MILITARY ASSIST-
ANCE UNDER THE FOREIGN ASSISTANCE ACT OF 1971

I

No. 44

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Worship of the Argentine Republic and has the honor to refer to the United States Foreign Assistance Act of 1971, which includes a provision requiring payment to the United States Government in Argentine pesos of ten percent of the value of Grant Military Assistance provided by the United States to the Government of Argentina. In order to comply with this mandatory provision, it is proposed that the Government of Argentina will deposit in an account to be specified by the United States Government, at a rate of exchange which is not less favorable to the United States Government than the best legal rate at which U.S. dollars are sold by authorized dealers in Argentina for Argentine pesos on the date deposits are made, an amount in Argentine pesos equal to ten percent of each Grant of Military Assistance to the Government of Argentina. The Government of Argentina will be notified quarterly of deliveries of defense articles and rendering of defense services and the values thereof. Deposits to the account of the United States Government will be due and payable upon request by the United States Government, which request shall be made, if at all, within one year following the aforesaid notification of services rendered. It is further proposed that the amounts to be deposited may be used to pay all official costs of the United States Government payable in Argentine pesos, including but not limited to all costs relating to the financing of international educational and cultural exchange activities under programs authorized by the United States Mutual Education and Cultural Exchange Act of 1961.

It is finally proposed that the Ministry's reply stating that the foregoing is acceptable to the Government of Argentina shall, together with this note, constitute an agreement between our governments on this subject effective from and after February 7, 1972 and applicable to the rendering of defense services funded or agreed to and rendered on or subsequent to that date.

The Embassy takes this opportunity to renew to the Ministry assurances of its highest consideration.

Buenos Aires, April 4, 1972.

Embassy of the United States of America

¹ Came into force on 8 June 1972 by the exchange of the said notes.

II

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION¹ — TRADUCTION²]

MINISTERIO DE RELACIONES EXTERIORES Y CULTO

MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

El Ministerio de Relaciones Exteriores y Culto presenta sus atentos saludos a la Embajada de los Estados Unidos de América y con referencia a su nota N° 44 de fecha 4 de abril último, le es grato comunicarle que, tras haber realizado las consultas del caso, el Gobierno de la República Argentina toma nota de la disposición de la Ley de Ayuda Exterior de los Estados Unidos de América para el año 1972, que prevé el pago al Gobierno de dicho país, en pesos argentinos del diez por ciento (10%) del valor de la asistencia militar proporcionada bajo el concepto de entrenamiento del Programa de Ayuda Militar (P.A.M.).

The Ministry of Foreign Affairs and Worship presents its compliments to the Embassy of the United States of America and, with reference to Embassy note No. 44 of April 4, 1972, has the pleasure of informing it that, after due consultation, the Government of the Argentine Republic has taken note of the provision of the United States Foreign Assistance Act for the year 1972, requiring payment to the United States Government, in Argentine pesos, of 10% of the value of military assistance provided in the form of training under the Military Assistance Program.

Entiende el Gobierno argentino que los pagos que habría de efectuar en este concepto, estarán relacionados al valor de los elementos y servicios de defensa cuyo suministro está previsto durante el curso del año fiscal estadounidense, iniciado el 1° de julio de 1971 y que termina el 30 de los corrientes.

The Argentine Government understands that the payments to be made under this provision will relate to the value of defense articles and services, to be supplied during the course of the United States fiscal year beginning July 1, 1971, and terminating June 30, 1972.

Considera el Gobierno argentino que esta disposición comienza el día 5 de abril de 1972, fecha en la cual la Cancillería fue notificada oficialmente por la Embajada según nota de referencia, de acuerdo a lo que prescribe el artículo I, párrafo 4 del Memorandum de Entendimiento suscripto en el año 1964 cuyo texto reza: «La asistencia a prestarse entre las partes bajo este acuerdo estará sujeta a los respectivos preceptos constitucionales y a los términos y condiciones de las leyes aplicables que estén en vigor en cada uno de

The Argentine Government considers that this provision takes effect April 5, 1972, the date on which the Ministry of Foreign Affairs was officially notified by the Embassy by means of the aforementioned note, in accordance with the provisions of article I (4) of the Memorandum of Understanding signed in 1964,³ the text of which reads as follows: "The assistance to be furnished by the parties under this agreement shall be subject to the respective constitutional provisions and to the terms and conditions of the applicable laws which are in force in each country at the time of furnishing such assistance, and those

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

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

³ United Nations, *Treaty Series*, vol. 527, p. 77.

los países en el momento de prestar tal asistencia, y esos términos y condiciones se harán conocer ».

En cuanto a las modalidades aplicables para los años fiscales 1973 y subsiguientes, ellas estarían sujetas a lo dispuesto en el artículo I, párrafo 5 del Memorandum de Entendimiento suscripto en el año 1964 cuyo texto dice : « los dos Gobiernos por intermedio de representantes debidamente autorizados, harán de tiempo en tiempo arreglos detallados para el cumplimiento de las disposiciones del presente acuerdo ». Por lo tanto ellas quedarán condicionadas a los arreglos que se realicen.

El Ministerio de Relaciones Exteriores y Culto aprovecha la oportunidad para reiterar a la Embajada de los Estados Unidos de América las expresiones de su más distinguida consideración.

Buenos Aires, 8 de junio de 1972.

Referencias :

D.A.N. N°
Doc. Agreg.

A la Embajada de los Estados Unidos
de América
Buenos Aires

terms and conditions shall be made known.”

With regard to the arrangements applicable for the fiscal year 1973 and subsequent years, they would be subject to the provisions of article I (5) of the Memorandum of Understanding signed in 1964, the text of which reads as follows : “... the two Governments through appropriate representatives shall, from time to time, enter into detailed arrangements to carry out the provisions of this agreement.” The matter will, therefore, be subject to future arrangements.

The Ministry of Foreign Affairs and Worship avails itself of this opportunity to renew to the Embassy of the United States of America the expression of its most distinguished consideration.

Buenos Aires, June 8, 1972.

References :

D.A.N. No.
Attached document

Embassy of the United States of America
Buenos Aires