

No. 13611

**UNITED STATES OF AMERICA
and
GUATEMALA**

**Exchange of notes constituting an agreement relating to
military assistance: deposits under Foreign Assistance
Act of 1971. Guatemala, 16 May and 19 July 1972**

Authentic texts: English and Spanish.

Registered by the United States of America on 4 November 1974.

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

**Échange de notes constituant un accord relatif aux dépôts
effectués au titre de l'assistance militaire en vertu de la
loi de 1971 sur l'aide à l'étranger. Guatemala, 16 mai
et 19 juillet 1972**

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 4 novembre 1974.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND GUATEMALA RELATING TO MILITARY ASSISTANCE: DEPOSITS UNDER FOREIGN ASSISTANCE ACT OF 1971

I

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

Guatemala, May 16, 1972

No. 57

Excellency:

I have the honor to refer to recent discussions regarding the United States Foreign Assistance Act of 1971, which includes a provision requiring payment to the United States Government in Quetzales of ten percent of the value of Grant Military Assistance and excess defense articles provided by the United States to the Government of Guatemala.

In accordance with that provision, it is proposed that the Government of Guatemala 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 United States dollars are sold by authorized dealers in the country of Guatemala for Quetzales on the date deposits are made, the following amounts in Quetzales: (A) In the case of any excess defense article given to the Government of Guatemala, an amount equal to ten percent of the fair value of that article, as determined by the United States Government, and B) In the case of a grant of military assistance to the Government of Guatemala, an amount equal to ten percent of each such grant. The Government of Guatemala 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 deliveries.

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 Quetzales, 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 Your Excellency's reply stating that the foregoing is acceptable to the Government of Guatemala shall, together with this note, constitute an agreement between our Governments on this subject, which enters

¹ Came into force on 26 April 1973, the date on which the Government of Guatemala informed the Government of the United States of America that it had been approved and ratified in conformity with the constitutional procedures of Guatemala, with retroactive effect from 7 February 1972, in accordance with the provisions of the said notes.

into effect on the date that the Government of Guatemala informs the Government of the United States that it has been approved and ratified in conformity with the constitutional procedures of the Government of Guatemala, and is applicable to deliveries of defense articles and rendering of defense services funded or agreed to and delivered or rendered on or subsequent to February 7, 1972.

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

WILLIAM G. BOWDLER

His Excellency Roberto Herrera Ibarguen
Minister of Foreign Relations
Guatemala

II

[SPANISH TEXT — TEXTE ESPAGNOL]

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

Guatemala, 19 julio de 1972

II-5/Am. 10

Señor Embajador:

Tengo a honra referirme a la atenta nota de Vuestra Excelencia, número 57, de fecha 16 de mayo pasado, cuya traducción al español literalmente dice:

« Tengo el honor de hacer referencia a las recientes conversaciones relacionadas con la Ley de 1971 de los Estados Unidos sobre Ayuda al Exterior, la que incluye una disposición requiriendo el pago al Gobierno de los Estados Unidos, en quetzales, del diez por ciento del valor de asistencia militar y artículos excedentes de defensa, proporcionados por Estados Unidos al Gobierno de Guatemala.

« De conformidad con dicha disposición, se propone que el Gobierno de Guatemala deposite en una cuenta que especificará el Gobierno de los Estados Unidos, a un tipo de cambio que no sea menos favorable para el Gobierno de los Estados Unidos que el mejor tipo legal de cambio al cual se venden dólares de los Estados Unidos por agentes de cambio autorizados en Guatemala por quetzales en la fecha en que se efectúan los depósitos, los montos siguientes en quetzales: A) En el caso de cualquier artículo excedente de defensa entregado al Gobierno de Guatemala, una cantidad igual al diez por ciento del valor justo de tal artículo, según lo determine el Gobierno de los Estados Unidos, y B) En el caso de una subvención de asistencia militar al Gobierno de Guatemala, una cantidad igual al diez por ciento de cada una de tales subvenciones. El Gobierno de Guatemala recibirá una notificación trimestralmente sobre las entregas de artículos de de-

[TRANSLATION¹ — TRADUCTION²]

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

MINISTRY OF FOREIGN RELATIONS
REPUBLIC OF GUATEMALA

Guatemala, July 19, 1972

II-5/Am. 10

Mr. Ambassador:

I have the honor to refer to Your Excellency's note No. 57 of May 16, 1972, the Spanish translation of which reads as follows:

[See note I]

In reply, I am happy to inform Your Excellency that the Government of Guatemala accepts in all its terms the agreement proposed in the note to which I am hereby replying. Consequently, that note and this reply shall constitute a formal agreement between our two Governments on this subject, which shall enter into force on the date on which the Government of Guatemala informs the Government of the United States of America that it has been approved and ratified in conformity with the constitutional procedures of the Republic of Guatemala.

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

ROBERTO HERRERA

His Excellency William G. Bowdler
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Guatemala

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

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