

No. 15117

UNITED STATES OF AMERICA
and
PERU

**Memorandum of understanding relating to claims by the
Marcona Mining Company (with annex). Signed at
Lima on 11 December 1975**

Authentic texts: English and Spanish.

Registered by the United States of America on 10 November 1976.

ÉTATS-UNIS D'AMÉRIQUE
et
PÉROU

**Mémorandum d'accord relatif à des réclamations de la Mar-
cona Mining Company (avec annexe). Signé à Lima le
11 décembre 1975**

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 10 novembre 1976.

MEMORANDUM OF UNDERSTANDING¹ BETWEEN THE UNITED STATES OF AMERICA AND PERU

1. The Governments of Peru and the United States of America will continue their discussions aimed at reaching agreement on just compensation for the Marcona Mining Company, whose mining-metallurgical complex in Peru was nationalized in accordance with the provisions of Decree Law 21228 of the Government of Peru.

2. Pursuant to the fulfillment of this objective, the Government of Peru will complete its audit of the financial statements of the Marcona Mining Company's Peruvian branch, a process which should be completed within forty-five (45) days.

3. Shipments of iron ore shall be resumed as promptly as possible in conformity with the terms and conditions directly established by *Minero-Perú Comercial* with the consumers, taking into account the requirements of the steel mills that are traditional consumers of Peruvian ore. The *Compañía Peruana de Vapores*, as shipping agent of Peru, will contract for maritime transport with the consumers' traditional carriers, to whom it will extend the right of first refusal to furnish ships, in accordance with the freight rates established in the annex to this Agreement, for shipments of Peruvian iron ore products to the traditional consumers from the date of this Agreement through December 31, 1976. There shall be full exchange of information to assure orderly arrangements for shipping.

4. This Interim Agreement has the objective of facilitating the export of iron ore pending agreement on just compensation for Marcona Mining Company, which shall be reached as expeditiously as possible. In the event no agreement is reached within ninety (90) days, this Memorandum, with the exception of article 3, will be re-evaluated.

5. This Memorandum shall be signed in the English and Spanish languages, with both texts having equal validity.

Lima, December 11, 1975.

[Signed — Signé]²
For the Government
of the United States of America

[Signed — Signé]¹
For the Government
of Peru

¹ Came into force on 11 December 1975 by signature.

² Signed by Albert Fishlow — Signé par Albert Fishlow.

³ Signed by José de la Puente Radbill — Signé par José de la Puente Radbill.

ANNEX

<i>Ore ports</i>	<i>FIO rate per natural long ton</i>	
	<i>62,000 DWT or more class vessels</i>	<i>Between 50,000 and 62,000 DWT class vessels</i>
Japan	\$5.80	
Korea		\$9.35
U.S. Gulf		5.45
U.S. Atlantic		6.10
United Kingdom	6.35	
France-Atlantic Coast	6.30	
France-Mediterranean	6.15	
Italy	6.35	
West Germany via Rotterdam	6.20	8.65

NOTE: Rates include load and discharge lay times including Sundays and holidays six days for 62,000 DWT or more class and five days for between 50,000 and 62,000 DWT class. Demurrage rate \$4,000/day for 62,000 DWT or more DWT class and \$3,000/day for between 50,000 and 62,000 DWT class.

Shipping rates for slurry will be established in the transportation contract.