

No. 15510

**SPAIN
and
ECUADOR**

**Agreement in the field of geological and mineral resources
supplementary to the Spanish-Ecuadorian Basic Agree-
ment on technical co-operation. Signed at Quito on
4 February 1977**

Authentic text: Spanish.

Registered by Spain on 3 March 1977.

**ESPAGNE
et
ÉQUATEUR**

**Accord dans le domaine des ressources géologiques et
minérales complémentaire à l'Accord de base hispano-
équatorien relatif à la coopération technique. Signé à
Quito le 4 février 1977**

Texte authentique : espagnol.

Enregistré par l'Espagne le 3 mars 1977.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ IN THE FIELD OF GEOLOGICAL AND MINERAL RESOURCES SUPPLEMENTARY TO THE BASIC AGREEMENT BETWEEN SPAIN AND ECUADOR ON TECHNICAL CO-OPERATION

The Governments of Spain and Ecuador, desiring to expand technical co-operation between the two countries, have decided, within the framework of the Basic Agreement on technical co-operation signed on 7 July 1971,² to incorporate into it a Supplementary Agreement covering assistance and co-operation in research on geological and mineral resources.

Article I. GENERAL

1. The Spanish Government, through its competent agencies, shall provide the Ecuadorian Government with advice and co-operation in research on the geological and mineral resources of the Republic of Ecuador, in the framework of the programmes provided for in the plan of the Department of Geology and Mines of Ecuador.

2. The projects on which the Spanish experts will co-operate shall be selected by agreement between the two Governments.

3. For the purposes set forth in the foregoing paragraphs, the Spanish Government shall make available to the competent agencies of Ecuador a geological and mining technical mission consisting of such experts as are, by mutual agreement, held to be necessary.

It shall likewise supply such laboratory equipment, vehicles, machinery and specified equipment as are deemed necessary to carry out the operations set forth in the said plan for as long as these operations last.

4. The Spanish experts serving in the geological and mining technical mission shall be covered by article IX of the Basic Agreement on technical co-operation in force between the two countries.

5. The Spanish Government shall help to train Ecuadorian experts by having Ecuadorian technicians participate in geological and mineral research programmes in progress in Spain. It shall likewise grant every facility for their admission to its research centres and State or semi-State enterprises.

Article II. OPERATING PROCEDURE

1. The competent agencies of the two countries, and, more specifically, the Department of Geology and Mines of Ecuador and the Department of Mines and Construction Industries of Spain, shall agree on the following:

- (a) the selection of areas from among those proposed by Ecuador where prospecting for minerals is to be undertaken;
- (b) the selection of areas where exploration based on the foregoing is to be undertaken;

¹ Came into force on 4 February 1977 by signature, in accordance with article VII.

² United Nations, *Treaty Series*, vol. 899, p. 175.

(c) the selection of projects from among those proposed by Ecuador, for mineral exploration in areas which have previously been the subject of prospecting.

2. The formulation of projects covering the prospecting or exploration work resulting from the above process shall be the responsibility of the Spanish geological and mining mission, which shall prepare them in co-operation with the Ecuadorian technicians designated by the Department of Geology and Mines of Ecuador. Existing exploration projects on which Spanish co-operation is proposed shall be reviewed before such co-operation becomes effective, with a view to modifying them, if necessary, by mutual agreement, so as to enhance their effectiveness and expedite their execution.

3. The projects and programmes of activity formulated in accordance with the provisions of the previous paragraph above shall be submitted for the approval of the Department of Geology and Mines of Ecuador and the Department of Mines and Construction Industries of Spain, and, once approval has been obtained, notice of the decision shall be conveyed to the Joint Spanish-Ecuadorian Commission for subsequent approval by the respective ministers.

4. For the purpose of ensuring technical quality and satisfactory monitoring of compliance with time-tables and budgets for the execution of the programmes of activities to be undertaken under this Agreement, a Control Supervisory Committee consisting of the Director-General of Geology and Mines of Ecuador, an Ecuadorian technician designated by him, the head of the Spanish geological and mining mission and a technician to be designated by the Spanish Party, shall be established. The Supervisory Committee shall also be responsible for pre-selecting and recommending the execution of projects to be approved by the Ecuadorian and Spanish Departments referred to in paragraph 1; it shall also keep them informed of its activities by transmitting the minutes of its meetings, which shall be held at least quarterly.

Article III. FINANCIAL PARTICIPATION

1. The Spanish Government, through its competent agencies, shall defray the costs of international travel and remuneration of the Spanish experts serving in the geological and mining technical mission.

2. The Spanish Government shall also defray the costs of international travel, board and lodging, and travel in Spain of the Ecuadorian technicians visiting Spain for the purposes mentioned in article I, paragraph 5. The subsistence allowances shall be based on those established by the United Nations for this type of stay.

3. The Ecuadorian Government, through its competent agencies, shall defray the travel and subsistence costs of the Spanish experts within the territory of the Republic of Ecuador throughout the period of their activities. Each expert shall also be paid a lodging allowance of an amount to be fixed by the Department of Geology and Mines.

4. Throughout the prospecting phase, the Ecuadorian Government shall also defray the costs of salaries, travel and subsistence of Ecuadorian technical and administrative staff, drivers, skilled and unskilled workers, and the cost of supplies and spare parts required for the execution of the operations to be undertaken under this Agreement. Laboratory analyses and studies shall be carried out by the Department of Geology and Mines of Ecuador, and the cost of the assays necessary for quality control shall be defrayed by the Spanish Party.

5. Throughout the exploration phase in areas which have previously been the subject of prospecting, the costs of salaries, travel and subsistence for the Ecuadorian staff shall be defrayed by the Government of Ecuador, while those of the

supplies and spare parts required for the execution of the operations shall be shared, by mutual agreement, by the Parties.

Article IV. TECHNICAL PARTICIPATION

1. The Spanish experts who travel to the Republic of Ecuador to carry out the operations arising out of this Agreement shall, in accordance with article I, paragraph 1, form the Spanish geological and mining technical mission. A head of the technical mission shall be designated from among its members and shall be its representative and be responsible for advising the Department of Geology and Mines on questions relating to the subject matter of this Agreement, as required.

2. The head of the technical mission shall be responsible for co-ordinating the prescribed activities, and to that end shall act as Operations Manager. Operational supervision of operations shall, however, be the responsibility of the Director-General of Geology and Mines of Ecuador or his deputy.

3. The head of the technical mission shall, at all times, keep the Director-General informed of the progress of the work.

4. The Spanish experts who travel to Ecuador to participate in projects carried out under this Agreement shall be functionally integrated into the teams formed for that purpose.

5. The head of the technical mission shall maintain working discipline among the Spanish experts covered by this Agreement.

Article V. TRAINING OF ECUADORIAN TECHNICIANS

1. Ecuadorian technicians who, availing themselves of the provisions of this Agreement, join laboratories or research programmes in Spain shall do so for a period of no more than one year.

2. Ecuadorian technicians joining such laboratories or research programmes in Spain shall be covered for the period of their service by medical (including pharmaceutical) and accident insurance.

3. At the end of each quarter, Ecuadorian technicians serving in laboratories or on research programmes in Spain shall prepare an activities report, which shall be submitted, together with a report by the director of the project in question, to the Joint Spanish-Ecuadorian Commission for information.

4. The Spanish agencies responsible for the laboratories or research programmes in which the Ecuadorian technicians are serving shall facilitate their participation in any seminars, symposia or other means of training which may contribute to their all-round vocational training.

5. If it is shown that extending the stay of an Ecuadorian technician at a laboratory or his participation in a specific project may be valuable in improving his training, his stay may be extended for a second period of up to 12 months, subject to prior consultation with the Joint Spanish-Ecuadorian Commission.

6. The Spanish Government, through the Department of Mines and Construction Industries, shall submit to the Department of Geology and Mines of Ecuador a list of existing laboratories and research programmes in Spain so that that body may select those in which it deems it useful to have its technicians serve.

7. Ecuadorian technicians who, availing themselves of the provisions of this Agreement, request enrolment in post-graduate courses at technical schools and university faculties shall satisfy all the requirements laid down by those institutions for that purpose.

8. At the end of each quarter, Ecuadorian technicians enrolled in academic institutions in Spain shall send an activities report to the Joint Spanish-Ecuadorian Commission describing their attendance record and how they are benefiting from the instruction received, which shall be duly authenticated by the instructor concerned.

Article VI. SUPPLEMENTARY PROVISIONS

1. Exploration work shall be carried out in accordance with the terms of the programmes agreed upon by the Parties in each individual case. If the results of this work justify the exploitation of the deposit, the Parties shall, through negotiations, establish a semi-State or a Spanish-Ecuadorian binational enterprise, in accordance with existing legislation, especially the Ecuadorian Act on the Development of Mining. If, however, the Government of Spain through its State or semi-State enterprises fails to express its interest in exploiting the deposit discovered, the Ecuadorian State shall thereafter have full control over the deposit.

2. The Department of Geology and Mines of Ecuador shall provide the Spanish technical mission with such geological and mining documentation and information as is available to it and is not restricted material.

3. The information obtained as a result of the work provided for in this Agreement shall be the property of the Government of Ecuador and the Spanish Party shall not make use of it without the express permission of the Ecuadorian authorities.

Article VII. ENTRY INTO FORCE OF THE AGREEMENT

This Supplementary Agreement on co-operation in research on geological and mineral resources shall enter into force on the date of signature and shall remain in effect for a period of two years, which may be extended by means of an exchange of notes for a further period of the same duration and may be amended by mutual agreement of the two Parties.

DONE and signed at Quito, this fourth day of February in the year one thousand nine hundred and seventy-seven, in duplicate in the Spanish language, both copies being equally authentic.

For the Spanish Government:

For the Government of the Republic
of Ecuador:

[Signed]

[Signed]

CARLOS PÉREZ DE BRICIO
Minister for Industry

JORGE SALVADOR LARA
Minister for Foreign Affairs