

No. 16036

**UNITED STATES OF AMERICA
and
ECUADOR**

Exchange of notes constituting an agreement relating to military assistance: Eligibility requirements pursuant to the International Security Assistance and Arms Export Control Act of 1976. Quito, 17 August and 3 September 1976

Authentic texts: English and Spanish.

Registered by the United States of America on 29 November 1977.

**ÉTATS-UNIS D'AMÉRIQUE
et
ÉQUATEUR**

Échange de notes constituant un accord relatif aux conditions auxquelles est assujettie la fourniture de l'assistance militaire en vertu de l'*International Security Assistance and Arms Export Control Act* de 1976 (Loi sur l'assistance au titre de la sécurité internationale et sur le contrôle des exportations d'armements). Quito, 17 août et 3 septembre 1976

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 29 novembre 1977.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
ECUADOR RELATING TO MILITARY ASSISTANCE: ELI-
GIBILITY REQUIREMENTS PURSUANT TO THE INTERNA-
TIONAL SECURITY ASSISTANCE AND ARMS EXPORT
CONTROL ACT OF 1976

I

No. 44

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Ecuador and has the honor to refer to recently enacted provisions of United States law affecting eligibility for United States military assistance and training.

The provisions of the International Security Assistance and Arms Export Control Act of 1976 establish new statutory authority for military education and training which heretofore has been furnished by the United States Government as a defense service under its Military Assistance Program. In addition, they provide that for such training to be furnished, the recipient country should agree that it will observe certain conditions regarding such training. These conditions are that, without the consent of the United States Government, the recipient country will not permit the use of such services or training by anyone not an officer, employee, or agent of that country; that it will not transfer or permit their transfer by gift, sale, or otherwise; that it will not use them or permit their use for purposes other than those for which furnished; that it will maintain their security; that it will permit continuous observation and review by United States Government representatives regarding their use; and that, unless the United States Government consents to other disposition, it will return them to the United States Government when no longer needed.

In order to implement this law, and to preserve the eligibility of the Government of Ecuador for military training thereunder, it is proposed that the Government of Ecuador provide the following assurances:

1. that it will not, without the consent of the United States Government:
 - A. permit any use of services or training, furnished by the United States Government by anyone not an officer, employee, or agent of the Government of Ecuador;
 - B. transfer or permit any officer, employee, or agent of the Government of Ecuador to transfer such services or training by gift, sale or otherwise;
or
 - C. use or permit the use of such services or training for purposes other than those for which furnished by the United States Government;
2. that it will maintain the security of such services or training as are furnished by the United States Government; and will provide substantially the same

¹ Came into force on 3 September 1976, the date of the note in reply, in accordance with the provisions of the said notes.

- degree of security protection afforded to such services or training by the United States Government;
3. that it will permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such services or training; and
 4. that it will return to the United States Government such services or training materials furnished on a grant basis as are no longer needed for the purposes for which furnished, unless the United States Government consents to other disposition.

It is further proposed that the Ministry's reply stating that the foregoing is acceptable to the Government of Ecuador shall, together with this note, constitute an agreement between the Governments on this subject, to be effective from the date of the Ministry's note in reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Relations the assurances of its highest and most distinguished consideration.

Embassy of the United States of America

Quito, August 17, 1976.

II

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION¹ — TRADUCTION²]

REPÚBLICA DEL ECUADOR
MINISTERIO
DE RELACIONES EXTERIORES

REPUBLIC OF ECUADOR
MINISTRY
OF FOREIGN RELATIONS

No. 94/76 DDP

No. 94/76/DDP

El Ministerio de Relaciones Exteriores saluda atentamente a la Honorable Embajada de los Estados Unidos de América y avisa recibo de su nota número 44, de 17 de agosto último, en la cual le da a conocer que las disposiciones de la Ley de 1961 sobre Asistencia al Exterior han sido ampliadas para la prestación de servicios de defensa y adiestramiento militares, en virtud de la nueva norma legal vigente a partir del 1 de julio de 1976.

The Ministry of Foreign Relations presents its compliments to the Embassy of the United States of America and acknowledges receipt of its note No. 44 of August 17, 1976, stating that the provisions of the Foreign Assistance Act of 1961 have been amplified for furnishing defense services and military training by virtue of the new law effective from July 1, 1976.

El Ministerio de Relaciones Exteriores ha tomado nota de las seguridades

The Ministry of Foreign Relations has taken note of the assurances that the

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

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

que el Gobierno de los Estados Unidos espera de parte de los Gobiernos que reciban tales servicios y adiestramiento, y luego de las precisiones contenidas en el Aide Mémoire de esa Honorable Embajada fechado el 3 de los corrientes, que señala el alcance de las seguridades que correspondería al Gobierno del Ecuador ofrecer, manifiesta su conformidad con los términos de la nota que contesta y acepta que dicha comunicación y la presente respuesta constituyan un convenio entre los dos Gobiernos sobre esta materia, con vigencia a partir de hoy.

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

Quito, a 3 de setiembre de 1976.

A la Honorable Embajada
de los Estados Unidos de América
Ciudad

Government of the United States expects from the Governments receiving such services and training, and of the detailed information contained in the Embassy's Aide Mémoire of September 3, 1976, indicating the extent of the assurances which the Government of Ecuador should provide. The Ministry finds the terms of the note to which it is replying to be acceptable and agrees that that note and this reply shall constitute an agreement between the two Governments on this subject, to be effective from this date.

The Ministry of Foreign Relations avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest and most distinguished consideration.

Quito, September 3, 1976.

Embassy
of the United States of America
Quito