

No. 25892

**SPAIN
and
NICARAGUA**

Supplementary Agreement on international technical co-operation concerning social and labour affairs (with exchange of notes of 3 and 7 April 1987). Signed at Managua on 16 December 1985

Authentic text: Spanish.

Registered by Spain on 27 April 1988.

**ESPAGNE
et
NICARAGUA**

Accord complémentaire de coopération technique internationale dans le domaine du travail et des affaires sociales (avec échange de notes des 3 et 7 avril 1987). Signé à Managua le 16 décembre 1985

Texte authentique : espagnol.

Enregistré par l'Espagne le 27 avril 1988.

[TRANSLATION — TRADUCTION]

SUPPLEMENTARY AGREEMENT¹ ON INTERNATIONAL TECHNICAL COOPERATION CONCERNING SOCIAL AND LABOUR AFFAIRS

The Kingdom of Spain and the Government of Nicaragua, in the framework of the Basic Agreement on Technical Co-operation between Spain and Nicaragua, signed on 20 December 1974,² have decided to conclude this Supplementary Agreement concerning Social and Labour Affairs as follows:

Article I

The purpose of this Supplementary Agreement is to establish a framework in which the co-operation programmes and projects shall be carried out and to specify the areas of competence of the executing agencies.

Article II

The ministries and institutions which shall be responsible for and shall execute this Agreement shall be:

(a) For the Spanish Government: The Ministry of Labour and Social Security, through the Office of International Social Relations, which shall have the support and collaboration of the Ministry's divisions and the autonomous agencies under its supervision whose areas of competence relate to the cooperation activities.

(b) For the Government of Nicaragua: The Ministry of Labour, through the Office of International Relations and Technical Cooperation, which shall ensure compliance with the provisions of this Agreement in co-ordination with the programmes of the Ministry under which the cooperation activities fall.

Article III

The Spanish Government undertakes to:

(a) Send to Nicaragua a team of experts required for the execution of the activities determined by mutual agreement between the Parties, for a maximum period of 50 expert/months per year.

(b) Provide the remuneration due to the Spanish experts for their services during the period of the mission, in accordance with the relevant provisions in force at the time, and assume also the costs of air travel between their usual place of residence in Spain and the destination point (outward and return journeys).

(c) Grant and defray the costs of fellowships, up to a maximum of 10 per year, in Spain, for professionals who are acting as counterparts of the Spanish experts and for the administrative personnel of the agencies involved in the ongoing projects and activities, for a maximum stay in Spain of three months and one month respectively,

¹ Came into force provisionally on 1 January 1986, and definitively on 26 February 1988, the date of the last of the notifications (effected on 27 September 1986 and 26 February 1988) by which the Parties informed each other of the completion of the required constitutional procedures, in accordance with article IX.

² United Nations, *Treaty Series*, vol. 1297, p. 147.

during which they shall be protected by a health insurance policy covering both illness and accidents.

The Government of Spain shall provide the fellowship holders referred to in the preceding paragraph with a daily subsistence allowance equivalent to that in effect at the time for Spanish civil servants in national territory; it shall pay the costs of their travel between the point of origin and Spain (outward and return journeys) and of organized trips inside Spain, and shall also provide them with the contacts, instruction and work materials and information which are required in each case.

Article IV

The financial obligations stipulated in article III shall be fulfilled by using the appropriations authorized annually for technical cooperation in the regular budget of the Ministry of Labour and Social Security.

Article V

A social and labour cooperation area chief shall be in charge of the Spanish social and labour cooperation, who shall be appointed for that purpose and who shall assume the functions specifically entrusted to him and, in specific cases, on the advice of the Office of International Social Relations of the Ministry of Labour and Social Security of Spain, shall be responsible for the execution of specific projects which may fall within his special area of competence.

The international technical cooperation personnel shall operate in the country of destination under the control of the Spanish Embassy, and their activities shall be coordinated by the Ministry of Foreign Affairs.

Article VI

The Government of Nicaragua undertakes to:

- (a) Accord every facility for the development and implementation of the provisions of this Agreement.
- (b) Provide the centres and facilities necessary for the realization of the projects, in conformity with priorities established by mutual agreement.
- (c) Exempt from all kinds of taxes, charges and customs or any other type of duty, whether national, provincial, municipal or of any other kind, the materials, machinery and equipment acquired in Spain and intended for the Spanish technical cooperation mission.
- (d) Grant the Spanish experts sent to its country all the privileges, exemptions and immunities which the Government of Nicaragua grants to employees of international organizations and provide them with the appropriate documents, upon accreditation through the diplomatic channel, which shall be valid throughout the period of their service with the mission.
- (e) Assign to each of the experts the national counterparts, and the management, technical instruction, administrative and service staff required for the proper implementation of the cooperation project, who shall work closely with their Spanish counterparts.
- (f) Make available to the Spanish mission the office space and the necessary personnel and materials for the regular operations of both the area chiefs and their colleagues.

(g) Provide the Spanish experts with the necessary means of transport for any travel in connection with their duties. In the event that they are required to travel away from their usual headquarters in the country, the Government of Nicaragua shall bear the corresponding costs of travel, accommodation and subsistence.

(h) Provide living accommodations for the Spanish experts, provided that the mission period exceeds three months, or otherwise provide a monthly allowance in the national currency equivalent to \$US300, revisable annually depending on the authorized or actual fluctuations in rent prices in the country.

Article VII

In order to ensure the effective implementation of this Agreement, the Parties agree to establish a Follow-up and Evaluation Committee composed of representatives of the Ministry of Labour and Social Security of Spain, the official Labour Attaché in Costa Rica, the Spanish technical cooperation Area Chief, a representative of the Office of International Technical Cooperation of the Ministry of Foreign Affairs, who may delegate powers to the Spanish Embassy, a representative of the Ministry of Labour of Nicaragua; and a representative of each of the institutions for the execution of the Agreement.

Article VIII

The Committee referred to in the previous article shall have the following functions:

1a. To report at the end of each six-month period to the Spanish-Nicaraguan Joint Commission established in the Basic Agreement on Technical Co-operation of 20 December 1974, which shall indicate the general guidelines for action, and to the Office of International Technical Cooperation on the objectives attained and those proposed for the following six-month period.

2a. To propose to the Office of International Social Relations of the Ministry of Labour and Social Security of Spain the annual programme of activities, within the parameters established in article III, and the schedule for the execution of the programme.

3a. To supervise the implementation of this Supplementary Agreement.

4a. To suggest measures leading to the best possible use and the maximum effectiveness of the mutual cooperation.

5a. To evaluate the actions undertaken, communicating the results to the executing agencies of the Agreement and to the Spanish Embassy.

6a. To suggest modifications of the programme based on project requirements, bearing in mind the provisions referred to in paragraph 2 of this article.

7a. The representatives of the Ministry of Labour of each country, or individuals appointed by them, shall alternate as Chairman of the Committee; the Area Chief shall act as Secretary.

Article IX

This Agreement shall apply provisionally from 1 January 1986 and shall enter into force definitively on the date on which the two Parties notify each other, through the diplomatic channel, that their respective constitutional requirements have been fulfilled. It may be denounced by either of the Parties, in which case, it

shall cease to have effect six months after the date of denunciation; such denunciation shall not affect ongoing programmes and projects, except as otherwise agreed.

By mutual agreement, both Parties have, subject to approval, signed this Supplementary Agreement in Managua, on 16 December 1985, in two original copies, both texts being equally authentic.

For the Kingdom
of Spain:

[*Signed*]

LUIS CUERVO
Ambassador of Spain

For the Government
of Nicaragua:

[*Signed*]

BENEDICTO MENESES FONSECA
Minister of Labour

EXCHANGE OF NOTES

I

THE EMBASSY OF SPAIN

32

The Embassy of Spain presents its compliments to the Ministry of Foreign Affairs and informs it of the following:

“In the original text of the Supplementary Agreement on International Technical Co-operation concerning Social and Labour Affairs, signed in Managua by the representatives of Nicaragua and Spain on 16 December 1985, some errors have been made, notification of which we respectfully submit to the Government of Nicaragua so that it may correct the Nicaraguan copy of the text:

1. In article VII, reference is made to the “official Labour Attaché in Costa Rica”; that phrase should read: “official Labour Attaché in Nicaragua residing in Costa Rica”;

2. At the end of that same article, the word “responsible” should follow the word “institutions”.

Moreover, as a result of a redistribution of responsibilities among the bodies responsible for Spanish international cooperation, the Office of the Secretary of State for International Cooperation and for Latin America has taken over some of the tasks previously assigned to the Office of International Technical Cooperation of the Ministry of Foreign Affairs. In consequence, references in articles VII and VIII, paragraph 1 (*a*), of the text of the Agreement to the Office of International Technical Cooperation should be replaced by references to the Office of the Secretary of State. Similarly, the reference, in article VIII, paragraph 7, to the representative of the Ministry of Labour of Spain should be replaced by a reference to the representative of the Office of the Secretary of State.”

This information is being communicated to the Ministry of Foreign Affairs so that it may convey the foregoing to His Excellency the Minister of Labour of Nicaragua, signatory to the Agreement in question.

The Embassy of Spain in Managua takes this opportunity, etc.

Managua, 3 April 1987

Ministry of Foreign Affairs
Managua

II

MINISTRY OF FOREIGN AFFAIRS
MANAGUA, NICARAGUA

DGP-CD
No. 057 pyr*

The Department of Protocol of the Ministry of Foreign Affairs presents its compliments to the Embassy of Spain and has the honour to acknowledge receipt of its note No. 32 of 3 April 1987, referring to the corrections which should be made to the original text of the Supplementary Agreement on International Technical Co-operation concerning Social and Labour Affairs, signed in Managua by the representatives of Nicaragua and Spain on 16 December 1985.

In this connection, it should like to state that it has been pleased to convey the contents of the Embassy's note to the Ministry of Labour so that the necessary corrections may be made.

The Department of Protocol of the Ministry of Foreign Affairs takes this opportunity, etc.

Managua, 7 April 1987

Embassy of Spain
