

DEFENSE

Assistance

**Agreement between the
UNITED STATES OF AMERICA
and GUATEMALA**

Effected by Exchange of Notes at
Guatemala December 1, 2005 and January 3, 2006



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

GUATEMALA

Defense: Assistance

*Agreement effected by exchange of notes at
Guatemala December 1, 2005 and January 3, 2006;
Entered into force March 14, 2006.*

No. 362

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of the Republic of Guatemala and has the honor to refer to earlier discussions between representatives of the two Governments regarding the furnishing of articles and services from the United States of America to the Government of the Republic of Guatemala pursuant to the Global Peacekeeping Operations Initiative. In accordance with these discussions, it is proposed that the Government of the Republic of Guatemala agree, with respect to such articles and services:

That unless the consent of the Government of the United States of America has been first obtained the Government of the Republic of Guatemala shall not:

- (I) Permit any use of such articles or services by anyone not an officer, employee or agent of the Government of the Republic of Guatemala;
- (II) Transfer or permit any officer, employee or agent of the Government of the Republic of Guatemala to transfer such articles or services by gift, sale or otherwise; or

DIPLOMATIC NOTE

(III) Use or permit the use of such articles or services for purposes other than those for which provided;

B. That such articles or services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of the Republic of Guatemala in disposing of, with prior written consent of the Government of the United States of America, any article furnished by the Government of the United States of America on a grant basis, including scrap from any such article, shall be paid to the Government of the United States of America;

D. That the Government of the Republic of Guatemala shall maintain the security of such articles and services; that it shall provide substantially the same degree of security protection afforded to such articles or services by the Government of the United States of America; that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Republic of Guatemala; and

E. That the Government of the United States of America may also, from time to time, make the provision of articles, services, and related training furnished under other authority subject to the terms and conditions of the agreement proposed herein.

The Ministry of Foreign Affairs' note stating that the foregoing is acceptable to the Government of the Republic of Guatemala shall, together with this note, constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's Note in which the Foreign Ministry of the Republic of Guatemala notifies the Embassy of the United States of America, by diplomatic means, of fulfillment of legal requirements stipulated by internal legislation.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Guatemala the assurances of its highest consideration.

Embassy of the United States of America,
Guatemala, December 1, 2005.



000121

El Ministerio de Relaciones Exteriores de la República de Guatemala, presenta sus consideraciones a la Embajada de los Estados Unidos de América, para acusar el recibo de la nota número 362, de fecha 1 de diciembre de 2005, que literalmente dice:

“La Embajada de los Estados Unidos de América tiene el honor de saludar atentamente al Ministerio de Relaciones Exteriores del Gobierno de la República de Guatemala y de referirse a las conversaciones sostenidas anteriormente entre los Representantes de los dos Gobiernos sobre el suministro de artículos y servicios de los Estados Unidos de América al Gobierno de la República de Guatemala conforme a la iniciativa de Operaciones Globales para el Mantenimiento de la Paz. De conformidad con estas conversaciones, se propone que el Gobierno de la República de Guatemala convenga, con relación a dichos artículos y servicios:

- A. Que a menos que se haya obtenido el consentimiento previo del Gobierno de los Estados Unidos de América, el Gobierno de la República de Guatemala no:
- i) Permitirá el uso de dichos artículos o servicios por parte de persona alguna que no sea oficial, empleado o agente del Gobierno de la República de Guatemala.
 - ii) Transferirá dichos artículos o servicios, ni permitirá la transferencia de los mismos mediante regalo, venta o de otra forma, por parte de ningún oficial, empleado o agente del Gobierno de la República de Guatemala.

**HONORABLE
EMBAJADA DE LOS ESTADOS UNIDOS DE AMÉRICA
CIUDAD DE GUATEMALA**

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- iii) Utilizará o permitirá el uso de dichos artículos o servicios para fines que no sean los que motivaron su facilitación.
- B. Que dichos artículos o servicios deberán devolverse al Gobierno de los Estados Unidos de América cuando ya no se los necesite para los fines para los cuales se facilitaron, a no ser que el Gobierno de los Estados Unidos exprese su consentimiento de que se disponga de ellos de otro modo.
- C. Que las utilidades netas que el Gobierno de la República de Guatemala reciba de la venta, con consentimiento previo por escrito del Gobierno de los Estados Unidos de América, de cualquier artículo facilitado por éste a título de donación, incluida la chatarra proveniente de esos artículos de defensa, deberá pagarse al Gobierno de los Estados Unidos de América.
- D. Que el Gobierno de la República de Guatemala velará por la seguridad de dichos artículos y servicios; que proporcionará fundamentalmente el mismo grado de protección de seguridad que el Gobierno de los Estados Unidos de América proporciona a dichos materiales y servicios; que permitirá, según lo requiera el Gobierno de los Estados Unidos de América, la observación y el examen continuos por parte de representantes del Gobierno de los Estados Unidos de América, a los que proporcionará la información necesaria, con respecto al uso de los mismos por parte del Gobierno de Guatemala.
- E. Que el Gobierno de los Estados Unidos de América también podrá hacer, de vez en cuando, que el suministro de artículos y servicios afín conforme a otra autoridad sujeta a las condiciones del convenio aquí propuesto.

La nota del Ministerio de Relaciones Exteriores que expresa que lo anterior es aceptable al Gobierno de la República de Guatemala constituirá, junto con esta nota, un convenio entre los dos gobiernos, el cual entrará en vigor la fecha en que el Ministerio de Relaciones Exteriores de la República de Guatemala notifique por la vía diplomática a la honorable Embajada de los Estados Unidos de América el

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cumplimiento de todos los requisitos legales exigidos por la legislación interna para su validez.

La Embajada de los Estados Unidos de América aprovecha la oportunidad para renovar al Ministerio de Relaciones Exteriores de la República de Guatemala las muestras de su más alta consideración.

Embajada de los Estados Unidos de América

Guatemala, 1 de diciembre de 2005.

En respuesta, el Ministerio de Relaciones Exteriores, en nombre del Gobierno de la República de Guatemala, se complace en comunicar a la Honorable Embajada de los Estados Unidos de América, que acepta en todos los términos contenidos en la nota transcrita. Por consiguiente dicha nota y la presente constituyen un Acuerdo entre nuestros dos Gobiernos que entrará en vigor en la fecha en que este Ministerio notifique por la vía diplomática a la Honorable Embajada el cumplimiento de todos los requisitos legales exigidos por la legislación interna para su validez.

El Ministerio de Relaciones Exteriores de la República de Guatemala aprovecha la oportunidad para renovar a la Honorable Embajada de los Estados Unidos de América, el testimonio de su más alta y distinguida consideración.

Guatemala, 3 de enero de 2006

Jorge Du



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

(Courtesy Translation)

000121

The Ministry of Foreign Affairs of the Republic of Guatemala presents its compliments to the Embassy of the United States of America to acknowledge receipt of note No. 362 dated on December 1, 2005 which literally states the following:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of the Republic of Guatemala and has the honor to refer to earlier discussions between representative of the two Governments regarding the furnishing of articles and services from United States of America to the Government of the Republic of Guatemala pursuant to the Global Peacekeeping Operations Initiative. In accordance with these discussions, it is proposed that the Government of the Republic of Guatemala agree, with respect to such articles and services:

- A. That unless the consent of the Government of the United States of America has been first obtained the Government of the Republic of Guatemala shall not:
 - I. Permit any use of such articles or services by anyone not an officer, employee or agent of the Government of the Republic of Guatemala;
 - II. Transfer or permit any officer, employee or agent of the Government of the Republic of Guatemala to transfer such articles or services by gift, sale or otherwise; or
 - III. Use or permit the use of such articles or services for purposes other than those for which provided;

HONORABLE
EMBASSY OF THE UNITED STATES OF AMERICA
GUATEMALA CITY

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- B. That such articles or services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;
- C. That the net proceeds of sale received by the Government of the Republic of Guatemala in disposing of, with prior written consent of the Government of the United States of America, any article furnished by the Government of the United States of America on a grant basis, including scrap from any such article, shall be paid to the Government of the United States of America;
- D. That the Government of the Republic of Guatemala shall maintain the security of such articles and services; that it shall provide substantially the same degree of security protection afforded to such articles or services by the Government of the United States of America; that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof the Government of the Republic of Guatemala; and
- E. That the Government of the United States of America may also, from time to time, make the provision of articles, services, and related training furnishing under other authority subject to the terms and conditions of the agreement proposed herein.

The Ministry of Foreign Affairs note stating that the foregoing is acceptable to the Government of the Republic of Guatemala shall, together with this note, constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's Note in which the Foreign Ministry of the Republic of Guatemala notifies the Embassy of the United States of America, by diplomatic means, of fulfilment of legal requirements stipulated by internal legislation.

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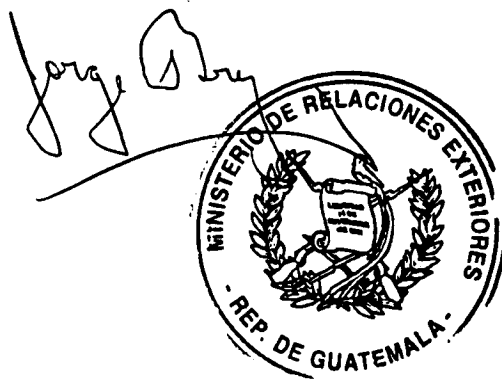
The Embassy of the States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Guatemala the assurances of its highest consideration.

Embassy of the United States of America;
Guatemala, December 1, 2005.

As a response, the Ministry of Foreign Affairs, on behalf of the Government of the Republic of Guatemala, is pleased to convey the Honorable Embassy of the United States of America that all terms of the proposal found on the transcribed note are accepted. Therefore, said note and the present one constitute an Agreement between both of our Governments, that shall enter into force the date when this Ministry notifies the Honorable Embassy, through diplomatic channels, of the completion of all legal procedures required by internal legislation.

The Ministry of Foreign Affairs of the Republic of Guatemala takes this opportunity to renew the Honorable Embassy of the United States of America the assurances of its highest and distinguished consideration.

Guatemala, January 3, 2006



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