

DEFENSE

Cooperation

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

Effected by Exchange of Notes at
Guatemala City August 22, 2016
and January 2, 2017



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: Cooperation

*Agreement effected by exchange of notes
at Guatemala City August 22, 2016
and January 2, 2017;
Entered into force January 2, 2017.*

No. 333

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Guatemala, and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961 or successor legislation, the Arms Export Control Act, the Global Peace Operations Initiative (GPOI), and other Department of Defense authorities, and the furnishing of defense articles, related training, and other defense services, from the United States of America to the Republic of Guatemala under such authorities. In this regard, the Embassy refers to the Agreement between the Government of the United States of America and the Government of the Republic of Guatemala 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, effected by exchange of notes at Guatemala City on December 1, 2005 and January 3, 2006 ("2006 Agreement").

DIPLOMATIC NOTE

In accordance with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Republic of Guatemala agree:

- A. That, unless the written 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 defense articles, related training, including training materials, or other defense 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 defense articles, related training, including training materials, or other defense services by gift, sale, or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which furnished:

B. That such defense articles, related training, including training materials, or other defense 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 defense article furnished by the Government of the United States of America, including scrap from any such defense article, shall be paid to the Government of the United States of America; and

- D. That the Government of the Republic of Guatemala shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories, 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 Guatemala.
- E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority subject to the terms and conditions of the agreement proposed herein.

If the foregoing proposals are acceptable to the Government of the Republic of Guatemala, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs to that effect shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note and shall supersede in its entirety the aforementioned 2006 Agreement.

The Embassy of the United States avails itself of the 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, August 22, 2016.



**MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE GUATEMALA, C.A.**

PROTOCOLO

12 ENF LUM

II-S/Am.10
1931-05
EB/gb

15400128716

El Ministerio de Relaciones Exteriores de la República de Guatemala tiene el honor de saludar a la Honorable Embajada de los Estados Unidos de América y acusa recibo de la Nota Verbal número 333 de fecha 22 de agosto de 2016, que literalmente dice lo siguiente:

"La Embajada de los Estados Unidos presenta sus atentos saludos al Ministerio de Relaciones Exteriores y tiene el honor de referirse a conversaciones sostenidas entre representantes de nuestros dos gobiernos acerca de la Ley de Asistencia al Exterior de 1961 y su legislación sucesora, la Ley de Control de Exportación de Armas; la Iniciativa de Operaciones de Paz Mundial (GPOI, por sus siglas en inglés) y otras facultades del Departamento de Defensa; y el suministro de artículos de defensa, la capacitación asociada a la misma y otros servicios de defensa por parte de los Estados Unidos de América a la República de Guatemala en virtud de esas facultades. En este sentido, la Embajada hace referencia al Acuerdo entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Guatemala relativo al suministro de artículos y servicios de los Estados Unidos de América al Gobierno de la República de Guatemala en virtud de la Iniciativa Mundial de Operaciones de Mantenimiento de la Paz, celebrado mediante canje de notas en la Ciudad de Guatemala el 1 de diciembre de 2005 y el 3 de enero de 2006 ("Acuerdo de 2006").

De conformidad con esas conversaciones, la Embajada propone que el Gobierno de los Estados Unidos de América y el Gobierno de la República de Guatemala acuerden:

- A. *Que, salvo aprobación previa obtenida del Gobierno de los Estados Unidos de América, el Gobierno de la República de Guatemala:*

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



**MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE GUATEMALA, C.A.**

II-5/Am. 10
1931-05
EB/gb

- I) *No permitirá ningún uso de tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción, ni otros servicios de defensa por nadie que no sea oficial, empleado, o representante del Gobierno de la República de Guatemala;*

 - II) *No transferirá, ni permitirá que ningún oficial, empleado, ni representante del Gobierno de la República de Guatemala transfiera tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa, como regalo, venta, ni de alguna otra forma; tampoco*

 - III) *Usará ni permitirá el uso de tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa, para propósitos que no sean aquellos para los cuales se entregaron.*
- B. *Que esos artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción, u otros servicios de defensa, serán devueltos al Gobierno de los Estados Unidos de América cuando ya no sean necesarios para los propósitos por los que fueron suministrados, a menos que el Gobierno de los Estados Unidos de América apruebe otra disposición;*
- C. *Que el beneficio neto de la venta recibido por el Gobierno de la República de Guatemala al deshacerse, con el permiso previo por escrito del Gobierno de los Estados Unidos de América, de cualquier artículo de defensa proporcionado por el Gobierno de los Estados Unidos de América como dádiva, incluida cualquier chatarra restante de tal artículo de defensa, será pagado al Gobierno de los Estados Unidos de América; y*



**MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE GUATEMALA, C.A.**

II-5/Am. 10
1931-05
EB/jb

D. *Que el Gobierno de la República de Guatemala deberá mantener la seguridad de tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa; que deberá suministrar esencialmente el mismo grado de protección de seguridad que les otorga el Gobierno de los Estados Unidos de América a tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa; y que deberá, según lo requiera el Gobierno de los Estados Unidos de América, permitir la observación permanente, inspecciones programadas, inventarios físicos y la evaluación por representantes del Gobierno de los Estados Unidos de América, además de suministrarles la información necesaria, con respecto al uso de esos artículos por el Gobierno de la República de Guatemala.*

E. *Que el Gobierno de los Estados Unidos de América podrá también, de vez en cuando, sujetar el suministro de artículos y servicios brindados conforme a otras autoridades a los términos y condiciones del acuerdo aquí propuesto.*

Para tal efecto, si las propuestas antedichas son aceptables para el Gobierno de la República de Guatemala, la Embajada propone que esta nota y la nota del Ministerio de Relaciones Exteriores constituyan un acuerdo entre los dos gobiernos el cual entrará en vigor en la fecha de la nota del ministerio y deberá sustituir en su totalidad al Acuerdo de 2006 mencionado anteriormente.

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

*Embajada de los Estados Unidos de América,
Guatemala, 22 de agosto de 2016"*

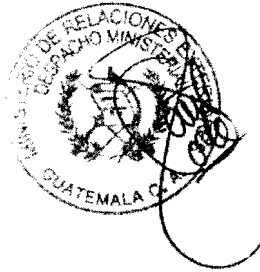


**MINISTERIO DE RELACIONES EXTERIORES
REPÚBLICA DE GUATEMALA, C.A.**

II-5/Am 10
1931-05
EB/gb

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 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 presente fecha y sustituirá en su totalidad el Acuerdo de 2006 mencionado anteriormente.

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, 2 de enero de 2017



TRANSLATION

MINISTRY OF FOREIGN RELATIONS
REPUBLIC OF GUATEMALA

II-5/AM. 10
1931-05
EB/gb

[Stamp: Protocol
January 12, 2017]

No. 15400128716

The Ministry of Foreign Relations of the Republic of Guatemala has the honor to present its compliments to the Embassy of the United States of America and acknowledges receipt of note verbale No. 333 of August 22, 2016, which reads as follows:

Quote:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961 or successor legislation, the Arms Export Control Act, the Global Peace Operations Initiative (GPOI), and other Department of Defense authorities, and the furnishing of defense articles, related training, and other defense services, from the United States of America to the Republic of Guatemala under such authorities. In this regard, the Embassy refers to the Agreement Between the Government of the United States of America and the Government of the Republic of Guatemala regarding the furnishing of Embassy of the United States of America, Guatemala City.

articles and services from the United States of America to the Government of the Republic of Guatemala pursuant to the Global Peacekeeping Operations Initiative, effected by exchange of notes at Guatemala City December 1, 2005 and January 3, 2006 ("2006 Agreement").

In accordance with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Republic of Guatemala agree:

A. That, unless the written 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 defense articles, related training, including training materials, or other defense 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 defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which furnished:

B. That such defense articles, related training, including training materials, or other defense 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 defense article furnished by the Government of the United States of America,

including scrap from any such defense article, shall be paid to the Government of the United States of America; and

D. That the Government of the Republic of Guatemala shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories 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 Guatemala.

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

Accordingly, if the foregoing proposals are acceptable to the Government of the Republic of Guatemala, the Embassy proposes that this note and the note from the Ministry of Foreign Relations shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note and shall supersede in its entirety the aforementioned 2006 Agreement.

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

Embassy of the United States of America
Guatemala City, August 22, 2016

Unquote.

In response, the Ministry of Foreign Relations, on behalf of the Government of the Republic of Guatemala, is pleased to inform the Embassy of the United States of America that the proposals set forth in the Embassy's note are acceptable to the Government of the Republic of Guatemala and that the Embassy's note and this note in reply shall constitute an Agreement between the two Governments which shall enter into force on this date and shall supersede in its entirety the aforementioned 2006 Agreement.

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

Guatemala City, January 2, 2017

[Initialed]

[Ministry stamp]