

No. 232

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of the Republic of Nicaragua and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services, and related training, including pursuant to the United States International Military and Education Training Program, from the United States of America to the Government of the Republic of Nicaragua pursuant to the Foreign Assistance Act of 1961, or successor legislation. In this regard, the Embassy refers to the Bilateral Military Assistance Agreement, signed at Managua on April 23, 1954, the Agreement regarding the disposition of equipment and materials furnished by the United States of America, effected by exchange of notes at Managua on April 23, 1954, and the net proceeds agreement, effected by exchange of notes at Managua on May 15 and June 28, 1974, as amended.

In accordance with these discussions, it is proposed that the Government of the Republic of Nicaragua agree:

A. That unless the consent of the Government of the United States of America has been first obtained the Government of the Republic of Nicaragua 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 Nicaragua;

(II) Transfer or permit any officer, employee or agent of the Government of the Republic of Nicaragua 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 provided;

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 Nicaragua 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 on a grant basis, including

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

D. That the Government of the Republic of Nicaragua shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, or other defense 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 Nicaragua; 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 (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

It is further proposed that this Agreement shall supercede the above-referenced 1974 agreement. Both 1954 agreements shall not be affected by this Agreement. This Agreement shall apply to defense articles and defense services to which the superceded 1974 agreement had applied prior to entry into force of this Agreement.

The Ministry of Foreign Affairs' note stating that the foregoing is acceptable to the Government of the Republic of Nicaragua 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.

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

Embassy of the United States of America
Managua, December 5, 2005





Translation

**MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF NICARAGUA
CENTRAL AMERICA**

Note No. MRE/DM/427/04/06

The Ministry of Foreign Affairs of the Republic of Nicaragua presents its compliments to the Embassy of the United States of America and acknowledges receipt of note verbale No. 232 of December 5, 2005, which reads as follows:

[The Spanish translation of Embassy note No. 232 of December 5, 2005, agrees in all substantive respects with the original English text, with the following exceptions:

First paragraph, lines 4-5

English:under the Foreign Assistance Act of 1961, as amended, or successor legislation...

Spanish: ...under the Foreign Assistance Act of 1961, as amended, and successor legislation...

(Suggested Spanish: ...bajo la Ley de Ayuda al Extranjero, de 1961, y sus enmiendas, o legislación sucesora...)

Penultimate paragraph, line 1

English: ... It is further proposed that...

Spanish: It is proposed below that...

(Suggested Spanish: Se propone asimismo que...)]

In this regard, the Ministry of Foreign Affairs has the honor to inform the Embassy that it is pleased to accept the foregoing terms as proposed in note No. 232. Accordingly, the Embassy's note and this note in reply shall constitute an agreement between the United States of America and the Republic of Nicaragua which shall enter into force on the date of this note.

Managua, April 19, 2006

[Initialed]

[Ministry stamp]

Embassy of the United States of America,
Managua.