

No. 354

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 propose the establishment of an exercise agreement covering military humanitarian exercises during the period from January 1, 2011 through December 31, 2012 that includes medical, dental, and veterinarian readiness exercises, as well as projects under the SOUTHCOM Humanitarian Assistance Program (HAP) and other events deemed humanitarian.

The Embassy has the honor to propose that the United States military and Department of Defense civilian personnel of the United States Department of Defense be accorded a status equivalent to that accorded to administrative and technical staff under the Vienna Convention on Diplomatic Relations of April 18, 1961.

DIPLOMATIC NOTE

In order to perform the Humanitarian Exercises and Projects, the Government of the United States of America also has the honor to propose that the signing of the Agreement, through the exchange of Diplomatic Notes, take place based upon the following instruments entered into between the Government of the United States of America and the Government of Guatemala: Military Assistance Treaty dated June 18, 1955, General Technical Cooperation Treaty dated September 1, 1954, and the Military Aircraft Free Transit dated December 20, 1949. It is understood that the performance of the Humanitarian Exercises and Projects does not constitute the free entering of a foreign army into Guatemalan territory, nor the establishment of foreign bases in it.

The Government of the Republic of Guatemala recognizes the particular importance of disciplinary control by United States Armed Forces and authorities over United States military personnel and, therefore, authorizes the Government of the United States to exercise criminal jurisdiction over such United States military and Department of Defense civilian personnel while in Guatemala.

The Embassy further proposes that such personnel may enter and exit Guatemala with United States identification and with collective movement or individual travel orders; that the authorities of Guatemala shall accept as valid, without a driving fee or test, driving licenses or permits issued by the appropriate United States authorities to said personnel for the operation of vehicles; and, that military personnel be authorized to wear uniforms and have individual weapons while performing official duties in Guatemala, and to carry weapons as agreed to by both Governments.

The Embassy requests that the Government of the Republic of Guatemala accord duty-free importation and exportation, as well as exemption from taxation on personnel, products, property, material, equipment, vehicles, vessels, and aircraft imported into, acquired in, or exported from Guatemala by or on behalf of the United States Government or its personnel in connection with their activities; and that the Parties shall cooperate in taking such steps as shall be necessary to ensure the security of U.S. personnel and property in Guatemala.

The Embassy further proposes that personnel, vehicles, vessels, and aircraft owned or operated by or for the United States Armed Forces shall not be subject to payment of landing or port fees, pilotage charges, navigation, over-flight or parking charges, or harbor dues while in Guatemala; however, the United States Armed Forces shall pay reasonable charges for other services requested and received.

Finally, the Embassy proposes that both Governments shall waive any and all claims (other than contractual claims) against each other for personal injury to, or death of, their military or Department of Defense civilian personnel, or for damage, loss, or destruction of property arising out of the activities under this exchange of notes. Claims by third parties for damages or loss caused by United States personnel shall be resolved by the United States Government in accordance with United States laws and regulations.

If the foregoing is acceptable to the Government of the Republic of Guatemala, the Embassy has the honor to propose that this note, together with the reply of the Government of the Republic of Guatemala, shall constitute an agreement between our two Governments which shall enter into force the date when the Ministry of Foreign Affairs notifies the honorable Embassy, through

diplomatic channels, of the completion of all legal procedures required by domestic legislation for this Diplomatic Note to be valid, and that it shall remain in force throughout the period during which the Humanitarian Exercises and Projects take place.

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, December 17, 2010.



TRANSLATION

Republic of Guatemala
Ministry of Foreign Affairs

DIGRAJUTT/DITRAI
15400031311

[Illegible letters and numbers]

Guatemala City, February 18, 2011

Embassy of the United States of America
Guatemala City

The Ministry of Foreign Affairs of the Republic of Guatemala presents its compliments to the Embassy of the United States of America and has the honor to refer to the **Agreement by exchange of notes covering military humanitarian exercises during the period from January 1, 2011 through December 31, 2012 that includes medical, dental, and veterinarian readiness exercises, as well as projects under the SOUTHCOM Humanitarian Assistance Program (HAP) and other events deemed humanitarian, signed at Guatemala City on December 17 and 27, respectively.**

In this regard, the Ministry is pleased to inform the Embassy of the United States of America that the Republic of Guatemala has completed the internal legal requirements necessary for the entry into force of the Agreement, which, in accordance with the last paragraph of the abovementioned Agreement by exchange of notes, shall enter into force on the date of this Note.

[Complimentary close]



TRANSLATION

**Ministry of Foreign Relations
Republic of Guatemala, C.A.**

URGENT

[Illegible notations]

15400173010

Guatemala City, December 27, 2010

The Ministry of Foreign Relations of the Republic of Guatemala presents its compliments to the Embassy of the United States of America and is pleased to reply to its note verbale No. 354 of December 17, 2010, which reads as follows:

[See U.S. Text]

This Ministry is pleased to inform the Embassy that the Government of the Republic of Guatemala accepts the foregoing proposal in its entirety. Accordingly, the Embassy's note, together with this note in reply, shall constitute an agreement between the Parties, which shall enter into force on the date that this Ministry notifies the Embassy through diplomatic channels that all legal procedures required by domestic legislation for its validity have been completed.

[Complimentary close]

[Initialed]

[Ministry stamp]

Embassy of the United States of America,
Guatemala City.