

DEFENSE

Status of Forces

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

Effected by Exchange of Notes at
Managua November 7 and 25, 1998



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.”

NICARAGUA

Defense: Status of Forces

*Agreement effected by exchange of notes at
Managua November 7 and 25, 1998;
Entered into force November 25, 1998.*

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 230

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Nicaragua and has the honor to refer to recent discussions between representatives of our two governments regarding U.S. military and civilian personnel of the Department of Defense who will be present in Nicaragua in connection with the upcoming disaster relief/assistance effort, and any mutually agreed follow-on activities.

As a result of these discussions, the Embassy has the honor to propose that such personnel be accorded a status equivalent to that accorded to administrative and technical staff under the Vienna Convention on Diplomatic Relations of April 18, 1961. The Embassy further proposes that United States military and civilian personnel of the United States Department of Defense may enter and exit Nicaragua with United States identification and with collective movement or individual travel orders, that Nicaraguan authorities shall accept as valid, without a driving fee or test, driving licenses or permits issued by the appropriate United States authorities to U.S. personnel for the operation of vehicles; and that military personnel be authorized to wear uniforms while performing official duties, and to carry weapons if authorized by their orders.

The Embassy also proposes that the Government of Nicaragua accord duty-free importation and exportation, as well as exemption from taxation on products, property, material, equipment, vehicles, vessels, and aircraft imported into, acquired in or exported from Nicaragua 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 insure the security of U.S. personnel and property in Nicaragua.

The Embassy further proposes that vehicles, vessels, and aircraft owned or operated by or for the United States Armed Forces shall not be subject to the payment of landing or port fees, pilotage charges, navigation, overflight or parking charges or light or harbor dues while in Nicaragua; however, the United States Armed Forces shall pay reasonable charges for 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 civilian personnel, or for damage, loss, or destruction of the other's military property arising out of the activities under this exchange of notes. The United States Government shall pay, in accordance with United States law, fair and reasonable compensation in settlement of meritorious claims by third parties arising out of acts or omissions of United States Defense personnel, or which are otherwise incident to non-combat activities of the United States Armed Forces under this exchange of notes.

Additional arrangements as may be necessary shall be entered into by the appropriate authorities of the two governments.

If the foregoing is acceptable to the government of Nicaragua the Embassy proposes that this note, together with the ministry's reply to that effect, shall constitute an agreement between the two governments which shall enter into force on the date of the ministry's reply, and shall remain in force for the duration of the current activity and any agreed follow-on activities.

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

Embassy of the United States of America
Managua, November 7, 1998



The ministry of Foreign Affairs of the Republic of Nicaragua presents his compliments to the Honourable embassy of the United States of America and has the honour to refer to the Note No. 230 of that Embassy dated November 7, 1998 which is transcribed as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Nicaragua and has the honor to refer to recent discussions between representatives of our two governments regarding U.S. military and civilian personnel of the Department of Defense who will be present in Nicaragua in connection with the upcoming disaster relief/assistance effort, and any mutually agreed follow-on activities.

As a result of these discussions, the Embassy has the honor to propose that such personnel be accorded a status equivalent to that accorded to administrative and technical staff under the Vienna Convention on Diplomatic Relations of April 18, 1961. The Embassy further proposes that United States military and civilian personnel of the United States Department of Defense may enter and exit Nicaragua with United States identification and with collective movement or individual travel orders, that Nicaraguan authorities shall accept as valid, without a driving fee or test, driving licenses or permits issued by the appropriate United States authorities to U.S. personnel for the operation of vehicles; and that military personnel be authorized to wear uniforms while performing official duties.

The Embassy also proposes that the Government of Nicaragua accord duty-free importation and exportation, as well as exemption, vehicles, vessels, and aircraft imported into, acquired in or exported from Nicaragua 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 insure the security of U.S. personnel and property in Nicaragua.

The Embassy further proposes that vehicles, vessels, and aircraft owned or operated by or for the United States Armed Forces shall not be subject to the payment of landing or port fees, pilotage charges, navigation, overflight or parking charges or light or harbor dues while in Nicaragua; however, the United States Armed Forces shall pay reasonable charges for 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 civilian personnel, or for damage, loss, or destruction of the other's military property arising out the

activities under this exchange of notes. The United States Government shall pay, in accordance with United States law, fair and reasonable compensation in settlement of meritorious claims by third parties arising out of acts or omissions of United States Defense personnel, or which are otherwise incident to non-combat activities of the United States Armed Forces under this exchange of notes.

Additional arrangements as may be necessary shall be entered into by the appropriate authorities of the two governments.

If the foregoing is acceptable to the government of Nicaragua the Embassy proposes that this note, together with the ministry's reply to that effect, shall constitute an agreement between the two governments which shall enter into force on the date of the ministry's reply, and shall remain in force for the duration of the current activity and any agreed follow-on activities.

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

Embassy of the United States of America
Managua, November 7, 1998."

With this respect, THE MINISTRY OF FOREIGN AFFAIRS has the honour to inform to the Honourable Embassy of the United States of America that the proposals of the Note No. 230 presented by that Embassy and dated November 7, 1998 are acceptable to the Government of Nicaragua and confirms that such Note No. 230 and the present Note in reply of the Note No. 230 shall constitute an agreement between the two governments, agreement that shall enter into force from the date of today and shall remain in force for the duration of the activities of emergency, reconstruction and transformation that will be performed as a consequence of the disasters caused by the Hurricane Mitch and being able to extend these activities subsequently agreed by both governments.

THE MINISTRY OF FOREIGN AFFAIRS avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.



MINISTERIO DE RELACIONES EXTERIORES

MRE/98/00676

EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPUBLICA DE NICARAGUA, saluda muy atentamente a la Honorable Embajada de los Estados Unidos de América, en ocasión de referirse a la Nota N° 230 de esa Embajada, de fecha 7 de noviembre de 1998, cuyo contenido se transcribe a continuación:

"La Embajada de los Estados Unidos de América presenta sus saludos al Ministerio de Relaciones Exteriores de la República de Nicaragua, y tiene el honor de referirse a las recientes conversaciones entre representantes de nuestros dos gobiernos, en relación a la presencia en Nicaragua de funcionarios civiles y militares del Departamento de Defensa de los Estados Unidos por motivos del constante arribo de dicho personal de ayuda y asistencia para el desastre, y de cualquier otra actividad subsecuente mutuamente acordada.

Como resultado de estas conversaciones, la Embajada tiene el honor de proponer que a dicho personal se le otorgue un status equivalente al convenido para el personal administrativo y técnico bajo la Convención de Viena sobre Relaciones Diplomáticas, del 18 de abril de 1961. La Embajada adicionalmente propone que el personal civil y militar del Departamento de Defensa de los Estados Unidos, pueda entrar y salir de Nicaragua con su identificación y permisos de viaje de movimiento colectivo o individual estadounidenses; y que serán aceptadas como válidas por las autoridades nicaragüenses, sin ningún cobro o examen, las licencias o permisos de conducir emitidos por las autoridades estadounidenses pertinentes; y que el personal militar sea autorizado para usar uniforme durante el desempeño de tareas oficiales.

La Embajada también propone que el Gobierno de Nicaragua acuerde la importación y exportación libre de impuestos, así como la exoneración de impuestos a los productos, propiedad, material, equipo, vehículos, naves y aeronaves importados a, adquiridos en, o exportados de Nicaragua; por, o a nombre del Gobierno de los Estados Unidos de América o su personal, en relación con las actividades de éste; y que las partes cooperarán en tomar tales pasos según sea necesario para garantizar la seguridad del personal y la propiedad estadounidense en Nicaragua.

La Embajada adicionalmente propone que los vehículos, naves y aeronaves que sean propiedad de las Fuerzas Armadas de los Estados Unidos, o que sean operadas por o para las mismas, no sean sujetas al pago de impuestos de aterrizaje o de puertos, cobros por pilotaje, navegación, sobrevuelo, o impuestos por parqueo, faros o por tarifas portuarias, durante su estadía en Nicaragua. Sin embargo, las Fuerzas Armadas de los Estados Unidos pagarán los cobros razonables por servicios solicitados y recibidos.

A LA HONORABLE EMBAJADA
DE LOS ESTADOS UNIDOS DE AMERICA
MANAGUA.-



MINISTERIO DE RELACIONES EXTERIORES

Finalmente, la Embajada propone que ambos Gobiernos obviarán cualquiera y todo reclamo (que no sean reclamos contractuales) de uno en contra del otro, por lesiones personales o muerte de su personal civil o militar; o por daños, pérdida, o destrucción de la propiedad militar del otro, originado por las actividades contempladas bajo este intercambio de notas. El Gobierno de los Estados Unidos pagará, de acuerdo con las leyes estadounidenses, compensaciones justas y razonables en los acuerdos llegados por reclamos meritorios de terceras partes, que sean originados por actos u omisiones del personal de Defensa de los Estados Unidos, o aquellos originados por incidentes en actividades no combativas (non-combat activities) de las Fuerzas Armadas de los Estados Unidos, contenidas en este intercambio de notas.

Arreglos adicionales, según sean necesarios, serán convenidos por las autoridades pertinentes de ambos gobiernos.

Si el contenido de esta nota es aceptable al Gobierno de Nicaragua, la Embajada propone que esta nota, junto con la respuesta del Ministerio a este efecto, constituirán un convenio entre ambos gobiernos, el cual entrará en vigencia en la fecha de la respuesta del Ministerio y permanecerá en vigor mientras dure la actual actividad y cualquiera otra actividad subsecuente que sea acordada por ambos gobiernos.

La Embajada de los Estados Unidos de América, hace propicia esta oportunidad para renovar al Ministerio de Relaciones Exteriores, las seguridades de su más alta consideración.

Embajada de los Estados Unidos de América
Managua, 7 de noviembre de 1998."

A este respecto, EL MINISTERIO DE RELACIONES EXTERIORES tiene el honor de informar a la Honorable Embajada de los Estados Unidos de América, que las propuestas contenidas en la Nota N° 230 de esa Embajada de fecha 7 de noviembre de 1998, son aceptables para el Gobierno de Nicaragua y confirma que dicha Nota 230 y esta Nota de respuesta, constituirán un acuerdo entre ambos gobiernos, el cual entrará en vigor a partir de la fecha del día de hoy, por el tiempo que duren las actividades actuales de emergencia, reconstrucción y transformación que se lleven a efecto como consecuencia de los desastres ocasionados por el Huracán Mitch, y pudiendo prolongarse por actividades subsecuentemente convenidas por ambos gobiernos.

EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPUBLICA DE NICARAGUA, hace propicia la ocasión para reiterar a la Honorable Embajada de los Estados Unidos de América las muestras de su alta consideración.

Managua, 25 de noviembre de 1998.

