

ECONOMIC ASSISTANCE

**Americas Fund and
Administering Board**

**Protocol Between the
UNITED STATES OF AMERICA
and PERU**

Amending the Agreement of
December 24, 1997

Signed at Washington September 18, 2008



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.”

PERU

**Economic Assistance: Americas Fund and
Administering Board**

*Protocol amending the agreement
of December 24, 1997.*

Signed at Washington September 18, 2008;

Entered into force September 18, 2008.

**PROTOCOL
BETWEEN
THE GOVERNMENT OF THE
UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE
REPUBLIC OF PERU
AMENDING
THE AGREEMENT CONCERNING THE ESTABLISHMENT OF
AN AMERICAS FUND AND ADMINISTERING BOARD**

The Government of the United States of America and the Government of the Republic of Peru (“the Parties”),

Recalling the Agreement between the Government of the United States of America and the Government of the Republic of Peru Concerning the Establishment of an Americas Fund and Administering Board (the “Americas Framework Agreement”, done in Lima, December 24, 1997;

Taking note of the Agreement between the Government of the United States of America and the Government of the Republic of Peru Concerning the Establishment of a Tropical Forest Fund and the Administering Board (the “Tropical Forest Agreement”), signed this date;

Desiring to amend the Americas Framework Agreement to conform with the Tropical Forest Agreement, which provides for utilization of the Americas Board established under the Americas Framework Agreement;

Have agreed to amend the Americas Framework Agreement as follows:

Preamble

The word “and” shall be inserted at the end of the last recital in the Preamble, followed by the insertion of this new paragraph:

“Wishing to further the Agreement between the Government of the United States of America and the Government of the Republic of Peru concerning the Establishment of a Tropical Forest Conservation Fund and the Operation of a Tropical Forest Conservation Board, signed at Washington September 18, 2008 (the “Tropical Forest Agreement”)”

Article II

At the end of paragraph 2 insert: “Within six months of the signing of the Tropical Forest Agreement, the Government of Peru shall establish, in accordance with its own laws, two sub-accounts of the Fund, which shall not be co-mingled. The first account, the “Americas Account” shall be used for implementation of the Americas Framework Agreement including grants made under Article V. The second account, the “Tropical Forest Account,” shall be used for implementation of the Tropical Forest Agreement and shall be constituted of the Tropical Forest Conservation Fund established pursuant to Article II.1 of the Tropical Forest Agreement.”

Paragraphs 3-7: Change any reference to “Fund” to “Americas Account”.

Article III

Paragraph 1: “Americas Board” shall be deleted and replaced with “Americas and Tropical Forest Board”.

Paragraph 2: In the first sentence, “eight” shall be deleted and replaced with “ten” before “members”.

Paragraph 2B: Delete and replace with “three representatives appointed by the Government of the Republic of Peru, one each from the Economy and Finance Ministry, the Environment Ministry, and the Agricultural Ministry.”

Paragraph 2C: Delete “five” and replace with “four”.

Paragraph 2C: Delete the final clause in the final sentence: “and shall constitute a majority of the Board”.

Insert new paragraph 2D: “Two representatives of a broad range of non-governmental forest-related interests within Peru, selected in accordance with Article III.2 and III.3 of the Tropical Forest Agreement.”

Insert at the end of paragraph 3: “The representatives appointed pursuant to Article III.2(C) and (D) shall constitute a majority of the members of the Board. In selecting such representatives, Parties shall be mindful of Article III.4 of the Tropical Forest Agreement and the need to have a majority of members appointed under Article III.2(C) and (D) for decisions with respect to the administration of the Tropical Forest Account.”

Article IV

Delete paragraph 7 and replace with: “The Board may draw sums from the Americas Account necessary to pay for the Board’s administrative expenses, including technical assistance, expenses and fiscal audits. Board members appointed under Article III.2(C) may be compensated only for travel expenses and reasonable per diem. Annual administrative expenses may not exceed a ceiling to be agreed between the Parties. To the extent that administrative expenses relate to the shared operation of both the Tropical Forest Account and the Americas Account, the Board shall determine an appropriate proportional rate to draw from each account to pay for such administrative expenses.”

Article V

Paragraph 1: Change “Americas Fund” to “Americas Account”.

Paragraphs 2 and 4: Change “Fund” to “Americas Account”.

Insert new paragraph 3 as follows and renumber paragraph “3” to “4” and “4” to “5”: “No grants shall be provided to any entity listed by the Government of Peru, the U.S. Government (Office of Foreign Assets Control), or the United Nations as a terrorist, narcotics trafficker or other specially-designated national. Further, no grants shall be provided to those associated with such entities, as determined by the Parties representatives on the Board.”

Article VI

Paragraph 1: Change “Fund” to “Americas Account”.

Article VII

Paragraph 2, last sentence: Delete “Vice Minister of Economy” and replace with “Vice Minister of Finance”.

Article VIII

Paragraph 5: Change “Fund” to “Americas Account”.

Article IX

Paragraphs 2 and 3: Change “Fund” to “Americas Account”.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Washington this eighteenth day of September 2008, in duplicate in the English language.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE
REPUBLIC OF PERU:

Claudia A. McMurray

