

TELEGRAM

Foreign Service of the
United States of America

INCOMING

AMEMBASSY BRASILIA

ACTION

15764

OCT 7 1976

R 070242Z OCT 76
 FM SECSTATE WASHDC
 TO RUFHBS/AMEMBASSY BRUSSELS 9064
 RUDKPNQ/AMEMBASSY COPENHAGEN 5026
 RUFNPS/AMEMBASSY PARIS 3222
 RUFHOL/AMEMBASSY BONN 5434
 RUFHRO/AMEMBASSY ROME 1882
 RUDKGPQ/AMEMBASSY THE HAGUE 9036
 RUDKSNQ/AMEMBASSY OSLO 1709
 RUESJO/AMEMBASSY SAN JOSE 3773
 RUESAS/AMEMBASSY ASUNCION 3403
 RUESDO/AMEMBASSY MONTEVIDEO 4137
 RUSBAE/AMEMBASSY NEW DELHI 8677
 INFO RUFHBG/AMEMBASSY LUXEMBOURG 7213
 RUQMAT/AMEMBASSY ATHENS 8272
 RUQMGU/AMEMBASSY ANKARA 7431
 RUDKMDQ/AMEMBASSY MADRID 5753
 RUDKFDQ/AMEMBASSY LISBON 4826
 RUDKBT/AMEMBASSY RABAT 6841
 RUDKKR/AMEMBASSY TUNIS 7963
 RUQMRA/AMEMBASSY JIDDA 4678
 RUQMKG/AMEMBASSY AMMAN 4866
 RUQMKW/AMEMBASSY KUWAIT 6533
 RUQMR/AMEMBASSY TEHRAN 4295
 RUTAMA/AMEMBASSY MONROVIA 7211
 RUTABA/AMEMBASSY ADDIS ABABA 3322
 RUTAVC/AMEMBASSY KINSHASA 8629
 RUSBQD/AMEMBASSY ISLAMABAD 0849
 RUKOBT/AMEMBASSY JAKARTA 6045
 RUMTBK/AMEMBASSY BANGKOK 1513
 RUEHTP/AMEMBASSY TAIPEI 6140
 RUMJMA/AMEMBASSY MANILA 0385
 RUEHKO/AMEMBASSY TOKYO 2569
 RUKORE/AMEMBASSY SEOUL 0713
 RUESSD/AMEMBASSY SANTO DOMINGO 9453
 RUESTE/AMEMBASSY TEGUCIGALPA 8264
 RUESAL/AMEMBASSY SAN SALVADOR 7227
 RUESGT/AMEMBASSY GUATEMALA 5950
 RUESMG/AMEMBASSY MANAGUA 7247
 RUEHZP/AMEMBASSY PANAMA 3447
 RUESBG/AMEMBASSY BOGOTA 6276
 RUESQI/AMEMBASSY QUITO 3650
 RUESLM/AMEMBASSY LIMA 8246
 RUESLZ/AMEMBASSY LA PAZ 0292
 RUESUZ/AMEMBASSY BRASILIA 2896
 RUESRS/AMEMBASSY CARACAS 4737
 RUESBA/AMEMBASSY BUENOS AIRES 4331
 RUESNA/AMEMBASSY SANTIAGO 6724
 RUFHNA/USMISSION NATO 6549
 RUEKJCS/JCS
 RUSNAAA/USCINCEUR
 RUHQHQ/CINCPAC
 RULPALJ/USCINCSO QUARRY HTS CZ
 RUEKJCS/SECDEF
 RUEADWD/CSA
 RUENAAA/CNO
 RUEFHQA/CSAF
 RUEOFIA/CMC
 RUDORRA/USNMR
 BT

ACTION
POL 2

INFO
 AMB
 DCM
 ECOM-2
 CONS
 USIS-
 ADM
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 PSS
 AID
 FAS
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 CHRON

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POUCH
 RIO
 SAO
 REC
 BEL
 SAL
 PA

DEF-19

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CONFIDENTIAL SECTION 1 OF 3 STATE 249429/1

E.O. 11652: GDS

TAGS: MASS, BE, DA, FR, GW, IT, NL, NO, CS, PAS, UY, IN

SUBJECT: TERMINATION OF SELECTED MAAGS

REF: A) STATE 201994 B) STATE 224915

1. DEPARTMENT APPRECIATES EARLY RESPONSES AND COMMENTS POSTS HAVE PROVIDED TO REFTELS. WE REGRET THAT IT HAS NOT BEEN POSSIBLE TO PROVIDE IN TURN MORE TIMELY GUIDANCE ON THE POINTS YOU HAVE RAISED. WE AND DOD ARE CONTINUING TO DEVELOP SUCH GUIDANCE AND HOPE TO HAVE IT AVAILABLE SHORTLY. IN THE INTERIM, WE WISH TO OFFER THE FOLLOWING GUIDANCE.

2. FORMAL NOTIFICATION OF TERMINATION. AS A NUMBER OF POSTS HAVE SURMISED, THE US IS NOT OBLIGED TO GIVE FORMAL NOTICE OF MAAG TERMINATION UNDER ANY OF THE PERTINENT BILATERAL AGREEMENTS, ALTHOUGH IN OUR VIEW IT WOULD SEEM DESIRABLE TO DO SO FOR THE RECORD. //

A. FOR BRUSSELS, COPENHAGEN, PARIS, BONN, ROME, THE HAGUE, OSLO. IN THE CASES OF BELGIUM, DENMARK, FRANCE, FRG, ITALY, NETHERLANDS, AND NORWAY, THE MUTUAL DEFENSE ASSISTANCE AGREEMENTS CONCERNED ARE VIRTUALLY IDENTICAL AND PROVIDE FOR

A WIDE RANGE OF MATTERS OF CONTINUING CONCERN TO THE USG. SINCE NONE OF THESE PARTICULAR AGREEMENTS OBLIGE THE USG TO ASSIGN OR MAINTAIN A MAAG, THERE IS NO NEED TO AMEND THE AGREEMENTS TO TAKE INTO ACCOUNT TERMINATION OF THE MAAG. IF, IN YOUR DISCRETION, YOU WISH TO PROVIDE FORMAL NOTIFICATION TO HOST GOVERNMENT OF THE MAAG TERMINATION, YOU MAY USE TEXT ALONG LINES THAT CONTAINED PARA 2(E) BELOW.

B. FOR NEW DELHI. EXISTING AGREEMENTS DO NOT REQUIRE FORMAL ACTION UPON TERMINATION OF MAAG. YOU MAY THEREFORE PROVIDE FORMAL OR INFORMAL NOTIFICATION TO GOI AS YOU DEEM APPROPRIATE.

C. FOR MONTEVIDEO. TWO RELEVANT AGREEMENTS PERTAIN. THE MILITARY ASSISTANCE AGREEMENT OF JUNE 11, 1953 (TIAS 2778) IS COMPARABLE TO THE AGREEMENTS LISTED IN PARA (A) ABOVE AND NEED NOT BE AMENDED. THE AIR FORCE MISSION AGREEMENT OF DECEMBER 4, 1951 (TIAS 2369), HOWEVER, NEEDS TO BE REFERENCED. AS POINTED OUT IN MONTEVIDEO 3031, WE CANNOT MEET THE ADVANCE NOTIFICATION REQUIREMENT OF ARTICLE 4(A) OF THAT AGREEMENT, SO WILL USE INSTEAD THE PROVISIONS OF ARTICLE 4(B) IN TERMINATING THE AGREEMENT. IT SHOULD BE BORNE IN MIND THAT THE PHRASE "RECALL OF THE ENTIRE PERSONNEL OF THE MISSION" IN ARTICLE 4(B) DOES NOT NECESSARILY REFER TO A PHYSICAL RECALL. OBVIOUSLY, PERSONNEL WILL REMAIN UNDER NEW AUTHORITY, TO CONTINUE SUCH LIMITED USG SECURITY ASSISTANCE FUNCTIONS AS MAY BE NECESSARY. EMBASSY SHOULD USE TEXT CONTAINED PARA 2(E) BELOW FOR DIPLOMATIC NOTE.

D. FOR SAN JOSE AND ASUNCION. BY EXCHANGE OF NOTES OF

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C O N F I D E N T I A L SECTION 2 OF 3 STATE 249429/2

JANUARY 20 AND 21, 1971 (TIAS 7068), THE MILITARY MISSION AGREEMENT WITH COSTA RICA OF DECEMBER 10, 1945 (EAS 486) WAS EXTENDED FOR AN ADDITIONAL 5 YEAR PERIOD. THAT AGREEMENT THEREFORE EXPIRED DECEMBER 10, 1975. WE ARE AWARE OF NO FORMAL EXTENSION OF THE AGREEMENT. SINCE THE MILITARY MISSION IN SAN JOSE HAS CONTINUED TO FUNCTION AS IF THE AGREEMENT WERE STILL CLEARLY IN FORCE, WE BELIEVE THAT IN ORDER TO AVOID POSSIBLE CONFUSION THE GOOCR SHOULD BE NOTIFIED FORMALLY OF THE WITHDRAWAL OF THE MISSION. IN PARAGUAY, THE RELEVANT AGREEMENTS CURRENTLY IN FORCE ARE MILITARY AVIATION AGREEMENT OF OCTOBER 27, 1943 (EAS 343) AND A MILITARY MISSION AGREEMENT OF DECEMBER 10, 1943 (EAS 354).

THE AGREEMENTS WITH COSTA RICA AND PARAGUAY ALL CONTAIN TERMINATION PROVISIONS IDENTICAL TO THE AGREEMENT WITH URUGUAY CITED IN PARA 2C ABOVE. YOU MAY USE THE TEXT CONTAINED BELOW.

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E. PROPOSED TEXT OF DIPLOMATIC NOTE IS AS FOLLOWS: QTE THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF AND HAS THE HONOR TO REFER TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF THE EMBASSY AND THE GOVERNMENT OF CONCERNING RECENT UNITED STATES LEGISLATION REQUIRING THE TERMINATION AS OF SEPTEMBER 30, 1976 OF A NUMBER OF UNITED STATES MILITARY ASSISTANCE ADVISORY GROUPS, MILITARY MISSIONS, OR OTHER ORGANIZATIONS PERFORMING SIMILAR FUNCTIONS. IN THE COURSE OF THOSE DISCUSSIONS, REPRESENTATIVES OF THE GOVERNMENT OF _____ WERE INFORMED THAT THE (MAAG, MILGRP, ETC) IN _____ WAS AMONG THOSE ORGANIZATIONS TO BE TERMINATED IN ORDER TO MEET THE REQUIREMENTS OF THE FOREIGN ASSISTANCE ACT OF 1961 AS AMENDED BY THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976.

AECA

ACCORDINGLY, THE EMBASSY WISHES TO INFORM THE MINISTRY OF FOREIGN AFFAIRS THAT THE (MAAG, MILGRP, ETC) HAS BEEN WITHDRAWN FROM (COUNTRY) EFFECTIVE SEPTEMBER 30, 1976. (FOR SAN JOSE, ASUNCION, MONTEVIDEO: IN ACCORDANCE WITH (ARTICLE 4(B) OF THE MILITARY MISSION AGREEMENT OF DECEMBER 10, 1945; THE MILITARY AVIATION AGREEMENT OF OCTOBER 27, 1943 AND THE MILITARY MISSION AGREEMENT OF DECEMBER 10, 1943; THE AIR FORCE MISSION AGREEMENT OF DECEMBER 4, 1951; RESPECTIVELY), (THAT) (THOSE) AGREEMENT

(S) WILL TERMINATE UPON COMPLETION OF THE WITHDRAWAL OF THE (MILGRP) FROM (COUNTRY). SUCH TERMINATION WILL BE WITHOUT PREJUDICE TO OBLIGATIONS INCURRED UNDER (THAT) (THOSE) AGREEMENT (S) PRIOR TO SEPTEMBER 30, 1976.) ACTIVITIES RELATED TO INTERNATIONAL SECURITY ASSISTANCE PROGRAMS OF THE UNITED STATES WHICH HAVE HITHERTO BEEN AMONG THOSE CARRIED OUT BY THE (MAAG, MILGRP, ETC) IN (COUNTRY) WILL HENCEFORTH BE CONDUCTED BY A NEW OFFICE ESTABLISHED FOR THAT PURPOSE IN THE EMBASSY OF THE UNITED STATES OF AMERICA. (COMPLIMENTARY CLOSE) UNQUOTE

3. ASSISTANCE IN KIND. THE AGREEMENTS WITH COSTA RICA,

C O N F I D E N T I A L FINAL SECTION OF 3 STATE 249429/3

URUGUAY, INDIA, AND PARAGUAY PROVIDE FOR VARIOUS TYPES OF ASSISTANCE IN KIND FROM THE HOST GOVERNMENT SUCH AS QUARTERS, OFFICE SPACE, AND LOCAL TRANSPORTATION, TO SUPPORT THE US ADVISORY GROUP OR MISSION. THE WITHDRAWAL OF THE MAAG TERMINATES THOSE GOVERNMENTS' OBLIGATION TO PROVIDE SUCH SUPPORT. IN THE CASE OF THE REMAINING SEVEN COUNTRIES, SUCH ASSISTANCE HAS BEEN ON A VOLUNTARY BASIS. HOWEVER, IT IS CLEAR FROM POST'S COMMENTS THAT MOST HOST

GOVERNMENTS EXPECT ASSISTANCE IN KIND TO BE ELIMINATED OR REDUCED. IT IS ALSO CLEAR THAT THE CONGRESS BY REQUIRING THE TERMINATION OF A NUMBER OF MAAGS WOULD ALSO EXPECT THE TERMINATION OF ASSISTANCE IN KIND. FINALLY, IT WOULD NOT BE APPROPRIATE FOR THE NEWLY-APPOINTED SECURITY ASSISTANCE PERSONNEL, AS MEMBERS OF THE CHIEF OF MISSION'S DIPLOMATIC STAFF, TO ACCEPT SUCH SUPPORT BY A HOST GOVERNMENT. ACCORDINGLY, ALL POSTS CONCERNED ARE AUTHORIZED IN THEIR DISCRETION TO RAISE THIS WITH APPROPRIATE HOST GOVERNMENT OFFICIALS, ORALLY OR IN WRITING (BUT NOT IN A DIPLOMATIC NOTE WITHOUT PRIOR DEPARTMENT CLEARANCE), POINTING OUT THAT ANY ASSISTANCE IN KIND PREVIOUSLY PROVIDED TO MAAG CAN NOW BE TERMINATED. CARE SHOULD BE TAKEN, OF COURSE, TO AVOID ANY UNDUE HARDSHIP OR CONFUSION THROUGH SUCH TERMINATION, WHICH MAY BE UNDERTAKEN GRADUALLY IF NECESSARY.

4. ADMINISTRATIVE DETAILS. OTHER QUESTIONS REMAINING, SUCH AS NAME CHANGES, STAFFING, FUNDING, EFFECTIVENESS REPORTS, DIPLOMATIC TITLES, ETC., WILL BE THE SUBJECT OF SEPARATE MESSAGES. ROBINSON

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