

Republic of Tunisia
Ministry of Foreign Affairs
30/4163

~~Kubacki~~
DCM
AHB

The Ministry of Foreign Affairs of the Republic of Tunisia presents its compliments to the Embassy of the United States of America and acknowledges receipt of the Embassy's Note N° 1657 dated November 23, 2007 which reads as follows:

«The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Tunisia 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, related training and other defense services, including pursuant to the United States International Military Education and Training Program, from the United States of America to the Government of the Republic of Tunisia pursuant to the Foreign Assistance Act of 1961, or successor legislation.

In this regard the Embassy refers to the Agreement concerning payment to the United States of net proceeds from the sale or disposal of defense articles furnished on a grant basis, effected by exchange of notes at Tunis on May 21 and June 29, 1974, as amended, and to the Agreement relating to a program of grants of military equipment and material to Tunisia, effected by exchange of notes at Tunis on September 12 and October 25, 1974.

In accordance with these discussions, it is proposed that the Government of the Republic of Tunisia 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 Tunisia 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 Tunisia;
 - II. Transfer; or permit any officer, employee or agent of the Government of the Republic of Tunisia 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 Tunisia 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 Tunisia 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 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 Tunisia; and
- E. That the Government of the United States of America may also, from time to time, make the provision of articles and services 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 supersede the above-referenced 1974 agreement. This Agreement shall apply to defense articles and defense services to which the superseded 1974 agreement had applied prior to entry into force on the date of the Ministry's note.

The Embassy of the United States of America in Tunis 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
Tunis, November 23, 2007»

The Ministry of Foreign Affairs of the Republic of Tunisia has the honor to confirm that the proposals set forth in the Embassy's note and this note in reply shall constitute an Agreement between the two Governments which shall enter into force on this date.



Tunis, February 13th, 2008.

Embassy of the United States of America

- Tunis -

No. 1657

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Tunisia 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, related training, and other defense services, including pursuant to the United States International Military Education and Training Program, from the United States of America to the Government of the Republic of Tunisia pursuant to the Foreign Assistance Act of 1961, or successor legislation.

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

DIPLOMATIC NOTE

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

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

E. That the Government of the United States of America may also, from time to time, make the provision of articles and services 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.)

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Attachments: Non-Paper on 505 Agreement
Suggested Text for Ministry's Response

Embassy of the United States of America
Tunis, **23 NOV. 2007**

