

DEFENSE

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

Effected by Exchange of Notes
Dated at Abuja July 27 and
August 17, 2000



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.”

NIGERIA

Defense

*Agreement effected by exchange of notes
Dated at Abuja July 27 and August 17, 2000;
Entered into force August 17, 2000.*

**EMBASSY OF THE
UNITED STATES OF AMERICA**

No. 108

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Federal Republic of Nigeria 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 from the United States of America to the Government of the Federal Republic of Nigeria.

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

that unless the consent of the Government of the United States of America has been first obtained, the Government of the Federal Republic of Nigeria shall not:

permit any use of any such defense article or related training or other defense service by anyone not an officer, employee or agent of the Government of the Federal Republic of Nigeria;

transfer or permit any officer, employee or agent of the Government of the Federal Republic of Nigeria to transfer such articles or related training or other defense services by gift, sale or otherwise; or

use or permit the use of such articles or related training or other defense services for purposes other than those for which provided;

that said articles or related training or 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;

that the net proceeds of sale received by the Government of the Federal Republic of Nigeria 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;

that the Government of the Federal Republic of Nigeria shall maintain the security of such articles, related training, and other defense services;

that it shall provide substantially the same degree of security protection afforded to such articles or related training or other defense services by the Government of the United States of America;

that it shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Federal Republic of Nigeria; and

that the Government of the United States of America may also from time to time make the provision of other defense articles, related training and other defense services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfer 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).

The Ministry's reply stating that the foregoing is acceptable to the Government of the Federal Republic of Nigeria shall, together with this note, constitute an agreement between the two Governments which shall enter into force on the date of the Ministry's reply.

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

Embassy of the United States of America

Abuja, July 27, 2000



A handwritten signature in black ink, consisting of a stylized, cursive script that appears to be the initials "DA" followed by a long horizontal stroke.



NOTE NO. J. 932/2000.....

The Ministry of the Foreign Affairs of the Federal Republic of Nigeria presents its compliments to the Embassy of the United States of America and has the honour to refer to the latter's Note No. 108 of 27th July, 2000, the content of which *inter alia* states as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Federal Republic of Nigeria 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 from the United States of America to the Government of the Federal Republic of Nigeria.

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

that unless the consent of the Government of the United States of America has been first obtained, the Government of the Federal Republic of Nigeria shall not:



permit any use of any such defense article or related training or other defense service by anyone not an officer, employee or agent of the Government of the Federal Republic of Nigeria;

transfer or permit any officer, employee or agent of the Government of the Federal Republic of Nigeria to transfer such articles or related training or other defense services by gift, sale or otherwise; or

use or permit the use of such articles or related training or other defense services for purposes other than those for which provided;

that said articles or related training or 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;

that the net proceeds of sale received by the Government of the Federal Republic of Nigeria 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;

that the Government of the Federal Republic of Nigeria shall maintain the security of such articles, related training, and other defense services;

that it shall provide substantially the same degree of security protection afforded to such articles or related training or other defense services by the Government of the United States of America;

that it shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Federal Republic of Nigeria; and

that the Government of the United States of America may also from time to time make the provision of other defense articles, related training and other defense services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfer



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).

The Ministry's reply stating that the foregoing is acceptable to the Government of the Federal Republic of Nigeria shall, together with this note, constitute an agreement between the two Governments which shall enter into force on the date of the Ministry's reply.

The Ministry of Foreign Affairs of the Government of the Federal Republic of Nigeria has the honour to confirm that the proposals set forth in the Embassy's Note no. 108 of 27th July, 2000, as herein quoted, are acceptable to the Government of the Federal Republic of Nigeria and that the Embassy's Note and this Note shall constitute an Agreement between the two Governments which shall enter into force on this date. *ATA*

Abuja, 17th August, 2000



Embassy of the United States of America
9 Mambilla Street
Maitama District
ABUJA

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