

**DEFENSE**

**Agreement between the  
UNITED STATES OF AMERICA  
and the ECONOMIC COMMUNITY OF  
CENTRAL AFRICAN STATES**

Effected by Exchange of Notes at  
Libreville October 18, 2012 and  
January 15, 2013



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.”

**ECONOMIC COMMUNITY OF  
CENTRAL AFRICAN STATES**

**Defense**

*Agreement effected by exchange of notes at  
Libreville October 18, 2012  
and January 15, 2013;  
Entered into force January 15, 2013.*

The Embassy of the United States of America in Libreville presents its compliments to the Secretariat of the Economic Community of Central African States and has the honor to refer to earlier discussions between the United States of America and the Economic Community of Central African States 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 Economic Community of Central African States.

In accordance with these discussions, it is proposed that the Economic Community of Central African States agrees:

A. That unless the consent of the Government of the United States of America has been first obtained the Economic Community of Central African States 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 Economic Community of Central African States;

(II) Transfer, or permit any officer, employee or agent of the Economic Community of Central African States 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 Economic Community of Central African States 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 Economic Community of Central African States 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, and 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 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 Economic Community of Central African States;

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.)

End Agreement Text.

Should the Economic Community of Central African States agree to the terms of this agreement, a reciprocal note should be sent with acknowledgment of this Diplomatic Note, by number and date, the entire text of the agreement above and the following statement:

“The Secretariat of the Economic Community of Central African States 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 U.S. Government and the Economic Community of Central African States which shall enter into force on this date.”

The Embassy of the United States of America in Libreville stands committed to this opportunity to renew with the Secretariat of the Economic Community of Central African States, the assurance of its highest consideration.

Embassy of the United States of America,  
Libreville, October 18, 2012.





*Secrétariat Général*

Libreville, le 15/01/2013

### NOTE VERBALE N°12/CEEAC/SG/13

The Secretariat of the Economic Community of Central African States presents its compliments to the Embassy of the United States of America in Libreville and acknowledges receipt of the Embassy's Note N°173, of October 18, 2012 which read as follows:

In accordance with these discussions, it is proposed that the Economic Community of Central African States agrees:

A. That unless the consent of the Government of the United States of America has been first obtained the Economic Community of Central African States 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 Economic Community of Central African States;

(II) Transfer, or permit any officer, employee or agent of the Economic Community of Central African States 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 Economic Community of Central African States 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 Economic Community of Central African States 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, and 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 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 Economic Community of Central African States;

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.)

The Economic Community of Central African States' note stating that the foregoing is acceptable to the Economic Community of Central African States shall, together with this note, constitute an agreement between the Government of the United States of America and the Economic Community of Central African States, which shall enter into force on the date of the Economic Community of Central African States' note.

The Secretariat of the Economic Community of Central African States 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 U.S. Government and the Economic Community of Central African States which shall enter into force on this date.

The Secretariat of the Economic Community of Central African States  
Libreville, 15 janvier 2013 ✓

