

DEFENSE

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

Effected by Exchange of Notes at
Ankara October 16, 2002 and
June 23, 2003



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.”

TURKEY

Defense

*Agreement effected by exchange of notes
at Ankara October 16, 2002
and June 23, 2003;
Entered into force June 23, 2003.*

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Turkey and refers its note verbale 866 of August 9, 2002 and to the provision of United States law that requires the Government of the United States of America, prior to a grant under the Foreign Assistance Act of 1961, as amended, or successor legislation, or sale or lease under Section 3 of the Arms Export Control Act, as amended, or successor legislation, of defense articles, related training and other defense services, to obtain assurances from recipient nations of such defense articles, related training and other defense services. The Government of the United States of America is currently and may in the future be providing assistance to the Government of Bulgaria, as the Headquarters Host Nation of the South Eastern European Brigade (SEEBRIG), as well as to future SEEBRIG Headquarters Host Nations, for the establishment of a Communications Information System (CIS), for use by all SEEBRIG member states in furtherance of SEEBRIG operations. Prior to permitting the temporary transfer and use of any such defense articles, related training and other defense services from the Government of Bulgaria or any other SEEBRIG member nation acting as the SEEBRIG Headquarters Host Nation, to the Government of Turkey for use in SEEBRIG operations, the Government of the United States of America is required to obtain from the Government of Turkey the revised assurances below:

A. That unless the consent of the Government of the United States of America has been first obtained, the Government of Turkey shall not:

(I) Use or permit the use of such defense articles, related training or other defense services for purposes other than for SEEBRIG operations;

(II) Permit any use of such defense articles, related training or other defense services by anyone not an officer, employee or agent of the Government of Turkey;

(III) Transfer or permit any officer, employee or agent of the Government of Turkey to transfer such defense articles, related training or other defense services by gift, sale, or otherwise, except to the SEEBRIG Headquarters Host Nation.

B. That when acting as the SEEBRIG Headquarters Host Nation, the Government of Turkey acknowledges its responsibility for security, control, inventory, service and maintenance of the defense articles, related training and other defense services provided to SEEBRIG by the United States Government. In furtherance of its custodial role, it will be responsible for and will ensure the proper administration and temporary distribution of subject defense articles, related training and other defense services to SEEBRIG member states for use in SEEBRIG operations.

C. When acting as the SEEBRIG Headquarters Host Nation, the Government of Turkey provides its assurances that:

(I) it shall not transfer or permit any officer, employee, or agent of the Government of Turkey to transfer such defense articles, related training or other defense services to anyone not an officer, employee or agent of the government of a SEEBRIG member state;

(II) it will not permit the use of such defense articles, related training, or other defense services by anyone not an officer, employee or agent of the government of a SEEBRIG member state;

(III) it shall not use or permit the use of such defense articles, related training or other defense services for purposes other than SEEBRIG operations;

(IV) it shall return to the Government of the United States of America said defense articles, related training or other defense services provided with Peace Keeping Operations funds from 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 provides written consent to another disposition; and

(V) finally, it shall not permanently transfer said defense articles, related training and other defense services or the responsibility thereof to the successor

SEEBRIG Headquarters Host Nation prior to making formal written application for, and receipt of, the written consent of the Government of the United States of America.

D. The Government of Turkey shall at all times maintain the security of such defense articles, related training, and other defense services; that it shall provide substantially the same protection afforded to such articles or related training other defense services by the Government of the United States of America and; 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 Turkey.

E. The subject defense articles, defense services and related training are being provided by the United States of America with the understanding that they will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus.

The Ministry's reply stating that the foregoing is acceptable to the Government of Turkey 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 proposes that the response from the Ministry of Foreign Affairs include language along the following lines:

“(Complimentary opening) and refers to the Embassy's note No.

XXXX, dated XXXX, which reads as follows:

(Quote U.S. note in its entirety.)

**The Ministry of Foreign Affairs of the Government of Turkey
has the honor to confirm that the proposal set forth in the Embassy's note is
acceptable to the Government of Turkey and that 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.”**

**The Embassy of the United States of America 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,

Ankara, October 16, 2002.





No. 5639

The Ministry of Foreign Affairs of the Republic of Turkey presents its compliments to the Embassy of the United States of America and refers to the Embassy's note 1138 of October 16, 2002, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Turkey and refers its note verbale 866 of August 9, 2002 and to the provision of United States law that requires the Government of the United States of America, prior to a grant under the Foreign Assistance Act of 1961, as amended, or successor legislation, or sale or lease under Section 3 of the Arms Export Control Act, as amended, or successor legislation, of defense articles, related training and other defense services, to obtain assurances from recipient nations of such defense articles, related training and other defense services. The Government of the United States of America is currently and may in the future be providing assistance to the Government of Bulgaria, as the Headquarters Host Nation of the South Eastern European Brigade (SEEBRIG), as well as to future SEEBRIG Headquarters Host Nations, for the establishment of a Communications Information System (CIS), for use by all SEEBRIG member states in furtherance of SEEBRIG operations. Prior to permitting the temporary transfer and use of any such defense articles, related training and other defense services from the Government of Bulgaria or any other SEEBRIG member nation acting as the SEEBRIG Headquarters Host Nation, to the Government of Turkey for use in SEEBRIG operations, the Government of the United States of America is required to obtain from the Government of Turkey the revised assurances below:

A. That unless the consent of the Government of the United States of America has been first obtained, the Government of Turkey shall not:

I) Use or permit the use of such defense articles, related training or other defense services for purposes other than for SEEBRIG operations;

II) Permit any use of such defense articles, related training or other defense services by anyone not an officer, employee or agent of the Government of Turkey;

III) Transfer or permit any officer, employee or agent of the Government of Turkey to transfer such defense articles, related training or other defense services by gift, sale, or otherwise, except to the SEEBRIG Headquarters Host Nation.

B. That when acting as the SEEBRIG Headquarters Host Nation, the Government of Turkey acknowledges its responsibility for security, control, inventory, service and maintenance of the defense articles, related training and other defense services provided to SEEBRIG by the United States Government. In furtherance of its custodial role, it will be responsible for and will ensure the proper administration and temporary distribution of subject defense articles, related training and other defense services to SEEBRIG member states for use in SEEBRIG operations.

C. When acting as the SEEBRIG Headquarters Host Nation, the Government of Turkey provides its assurances that:

I) it shall not transfer or permit any officer, employee, or agent of the Government of Turkey to transfer such defense articles, related training or other defense services to anyone not an officer, employee or agent of the government of a SEEBRIG member state;

II) it will not permit the use of such defense articles, related training, or other defense services by anyone not an officer, employee or agent of the government of a SEEBRIG member state;

III) it shall not use or permit the use of such defense articles, related training or other defense services for purposes other than SEEBRIG operations;

IV) it shall return to the Government of the United States of America said defense articles, related training or other defense services provided with Peace Keeping Operations funds from 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 provides written consent to another disposition; and

V) Finally, it shall not permanently transfer said defense articles, related training and other defense services or the responsibility thereof to the successor SEEBRIG Headquarters Host Nation prior to making formal written application for, and receipt of, the written consent of the Government of the United States of America.

D. The Government of Turkey shall at all times maintain the security of such defense articles, related training, and other defense services; that it shall provide substantially the same protection afforded to such articles or related training other defense services by the Government of the United States of America and; 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 Turkey.

E. ~~The subject defense articles, defense services and related training~~ are being provided by the United States of America with the understanding that they will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus.

The Ministry's reply stating that the foregoing is acceptable to the Government of the Republic of Turkey 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 Republic of Turkey has the honor to confirm that the proposal set forth in the Embassy's note is acceptable to the Government of the Republic of Turkey and that 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.

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

June 23, 2003, Ankara



Embassy of the United States of America

ANKARA