

## **DEFENSE**

### **Assistance**

#### **Agreement Between the UNITED STATES OF AMERICA and SRI LANKA**

Effected by Exchange of Notes at  
Colombo July 23 and August 4, 1998

Entered into force August 4, 1998



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.”

EMBASSY OF THE  
UNITED STATES OF AMERICA

No. 189

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka 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 Sri Lanka.

In accordance with these discussions, it is proposed that the Government of Sri Lanka agree:

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

I. 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 Sri Lanka;

II. Transfer or permit any officer, employee or agent of the Government of Sri Lanka to transfer such articles or

related training or other defense services by gift, sale or otherwise; or

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

B. 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;

C. That the net proceeds of sale received by the Government of Sri Lanka 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 Sri Lanka 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 Sri Lanka; and

E. 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. (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 Ministry's reply stating that the foregoing is acceptable to the Government of Sri Lanka 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 the assurance of its highest consideration.



Embassy of the United States of America,

Colombo, July 23, 1998.



US/POL/3

The Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka presents its compliments to the Embassy of the United States of America and has the honour to acknowledge receipt of the Embassy's Note No.189 dated 23 July 1998 which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka 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 Sri Lanka.

In accordance with these discussions, it is proposed that the Government of Sri Lanka agree:

- A. That the Government of Sri Lanka shall not, unless the consent of the Government of the United States of America has been first obtained:
  - I. 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 Sri Lanka;

- II. Transfer or permit any officer, employee or agent of the Government of Sri Lanka to transfer such articles or related training or other defense services by gift, sale or otherwise; or
  - III. Use or permit the use of such articles or related training or other defense services for purposes other than those for which provided;
- B. 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;
  - C. That the net proceeds of sale received by the Government of Sri Lanka 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 Sri Lanka 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 Sri Lanka; and

- E. 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. (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 Ministry's reply stating that the foregoing is acceptable to the Government of Sri Lanka 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 the assurances of its highest consideration."

The Ministry of Foreign Affairs of the Democratic Socialist Republic of Sri Lanka has the honour to confirm that the proposals set forth in the Embassy's Note are acceptable to the Government of Sri Lanka and 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 Democratic Socialist Republic of Sri Lanka avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.



04 August, 1998.

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Ministry of Foreign Affairs  
Democratic Socialist Republic of Sri Lanka

Ministry of Foreign Affairs