

DEFENSE

**Agreement between the
UNITED STATES OF AMERICA
and PAKISTAN**

Effected by Exchange of Notes at
Islamabad June 27, 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.”

PAKISTAN

Defense

*Agreement effected by exchange of notes at
Islamabad June 27, 2003;
Entered into force June 27, 2003.*

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 853/03

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of the Islamic Republic of Pakistan and refers 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 to include training related to defense articles under the United States' international military and education training program, and other defense services from the United States of America to the Government of the Islamic Republic of Pakistan.

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

A. That unless the consent of the Government of the United States of America has been first obtained, the Government of The Islamic Republic of Pakistan shall not:

- (i) permit any use of such defense articles or related training including training materials or other defense service by anyone not an officer, employee or agent of the Government of the Islamic Republic of Pakistan;
- (ii) transfer or permit any officer, employee or agent of the Government of the Islamic Republic of Pakistan to transfer such articles or related training including training materials or other defense services by gift, sale or otherwise; or

(iii) use or permit the use of such articles or related training including training materials or other defense services for purposes other than those for which provided;

B. That said articles or related training including training materials 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 the Islamic Republic of Pakistan 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 Islamic Republic of Pakistan shall maintain the security of such articles, related training including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles or related training including training materials 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 Islamic Republic of Pakistan; and

E. That the Government of the United States of America may also from time to time make the provision of articles, services, and related training 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 of Foreign Affairs' note stating that the foregoing is acceptable to the Government of the Islamic Republic of Pakistan 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 Islamic Republic of Pakistan the assurances of its highest consideration.



Embassy of the United States of America,
Islamabad, June 27, 2003



MINISTRY OF FOREIGN AFFAIRS
ISLAMABAD

No.USA-6/1/03

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the Embassy of the United States of America in Islamabad and with reference to the Embassy's note No.853/03 dated 27th June, 2003 and the Letter of Request No.1882/LOR-Army-DGDP-FMS dated 25 January, 2003 from Defence Production Division of the Ministry of Defence, has the honour to state that the Government of the Islamic Republic of Pakistan agrees:

- A) That unless the consent of the Government of the United States of America has been first obtained, the Government of The Islamic Republic of Pakistan shall not:
- (i) permit any use of such defence articles or related training including materials or other defense service by anyone not an officer, employee or agent of the Government of the Islamic Republic of Pakistan;
 - (ii) transfer or permit any officer, employee or agent of the Government of the Islamic Republic of Pakistan to transfer such articles or related training including training materials or other defense services by gift, sale or otherwise; or

(iii) use or permit the use of such articles or related training including training materials or other defense services for purposes other than those for which provided;

- B. That said articles or related training including training materials 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 the Islamic Republic of Pakistan 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 Islamic Republic of Pakistan shall maintain the security of such articles, related training including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles or related training including training materials or other defence 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 United States of America with regard to the use thereof by the Government of the Islamic Republic of Pakistan; and

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

The Ministry of Foreign Affairs has the honour to confirm that the proposals set forth in the Embassy's note No.853/03 dated 27 June 2003 are acceptable to the Government of Pakistan and this note of the Ministry of Foreign Affairs in response to the Embassy's note No.853/03 shall constitute an agreement between the two Governments and shall enter into force from:

27 June 2003.

On behalf of the
Government of Pakistan


(Tariq Osman Hyder)
Acting Foreign Secretary