

DEFENSE

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

Effected by Exchange of Notes at
Libreville April 6 and September 7, 2018



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.”

GABON

Defense

*Agreement effected by exchange of notes at
Libreville April 6 and September 7, 2018;
Entered into force September 7, 2018.*

The Embassy of the United States of America in Libreville presents its compliments to the Ministry of Foreign Affairs of the Gabonese Republic and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961 or successor legislation; the Arms Export Control Act; 10 U.S.C. § 333, and other Department of Defense authorities; and the furnishing on a grant basis of defense articles, related training, and other defense services from the United States of America to the Government of the Gabonese Republic under such authorities. In this regard, the Embassy has the honor to refer to the Agreement between the Government of the United States of America and the Government of the Gabonese Republic regarding the provision of defense articles, related training and other defense services, including training provided pursuant to the U.S. International Military Education and Training (IMET) program, on a grant basis, pursuant to the Foreign Assistance Act of 1961, as amended, or successor legislation, effected by exchange of notes at Libreville on July 26, 2006 and August 8, 2007 (the "2007 IMET Agreement").

DIPLOMATIC NOTE

In connection with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Gabonese Republic agree:

A. That, unless the written consent of the Government of the United States of America has been first obtained, the Government of the Gabonese Republic 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 Government of the Gabonese Republic;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Gabonese Republic 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 furnished.

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 Government of the Gabonese Republic 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 Gabonese Republic shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require,

permit continuous observation, scheduled inspections, physical inventories 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 Gabonese Republic; and

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 subject to the terms and conditions of the agreement proposed herein.

If the foregoing proposals are acceptable to the Government of the Gabonese Republic, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs to that effect shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note and shall supersede in its entirety the 2007 IMET Agreement and shall govern all aid provided by the United States of America to Gabon under the Foreign Assistance Act of 1961 or successor legislation; the Arms Export Control Act; 10 U.S.C. § 333, and other Department of Defense authorities; and the furnishing on a grant basis of defense articles, related training, and other defense services from the

United States of America to Gabon under such authorities. The Embassy requests the Ministry of Foreign Affairs to use attached the language for the response.

The Embassy of the United States of America in Libreville avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Gabonese Republic the assurance of its highest consideration.

Enclosure: Proposed Response.



Embassy of the United States of America,

Libreville, April 6, 2018.

Proposed Response

The Ministry of Foreign Affairs of the Gabonese Republic presents its compliments to the Embassy of the United States of America in Libreville and has the honor to acknowledge receipt of the Embassy's Note No. 058/18, dated April 6, 2018, which reads as follows:

A. That, unless the written consent of the Government of the United States of America has been first obtained, the Government of the Gabonese Republic 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 Government of the Gabonese Republic;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Gabonese Republic 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 furnished.

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 Government of the Gabonese Republic 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 Gabonese Republic shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories 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 Gabonese Republic; and

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 subject to the terms and conditions of the agreement proposed herein.

The Ministry of Foreign Affairs of the Government of the Gabonese Republic has the honor to confirm that the proposals set forth in the Embassy's note are acceptable to the Government of the Gabonese Republic 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 and shall supersede in its entirety the 2007 IMET Agreement.

Ministry of Foreign Affairs

MINISTERE DES AFFAIRES ETRANGERES,
DE LA COOPERATION, DE LA FRANCOPHONIE
ET DE L'INTEGRATION REGIONALE

SECRETARIAT GENERAL *2/18*

DIRECTION GENERALE
DES AFFAIRES ETRANGERES

DIRECTION DES AFFAIRES AMERICAINES *J*

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MAECFIR/SG/DGAE/DAA



The Ministry of Foreign Affairs of the Gabonese Republic presents its compliments to the Embassy of the United States of America in Libreville informs the Embassy that this Note Verbale rescinds in its entirety Ministry Note No. 000539/MAECFIR/CABME/CJ of 14 August 2018, and has the honor to acknowledge receipt of the Embassy's Note No. 058/18, dated 6 April 2018, which reads in substantive part as follows:

The Embassy of the United States of America in Libreville presents its compliments to the Ministry of Foreign Affairs of the Gabonese Republic and has the honor to refer to earlier discussions between representatives of two Governments regarding the Foreign Assistance Act of 1961 or successor legislation; the Arms Export Control Act; 10 U.S.C. § 333, and other Department of Defense authorities; and the furnishing on a grant basis of defense articles, related training, and other defense services from United States of America to the Government of the Gabonese Republic under such authorities. In this regard, the Embassy has the honor to refer to the Agreement between the Government of the United States of America and the Government of the Gabonese Republic regarding the provision of defense articles, related training and other defense services, including training provided pursuant to the U.S. International Military Education and Training (IMET) program, on a grant basis, pursuant to the Foreign Assistance Act of 1961, as amended, or successor legislation, effected by exchange of notes at Libreville on July 26, 2006 and August 8, 2007 (the "2007 IMET Agreement").

In connection with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Gabonese Republic agree:

A. That, unless the written consent of the Government of the United States of America has been first obtained, the Government of the Gabonese Republic 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 Government of the Gabonese Republic;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Gabonese Republic 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 furnished.

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 Government of the Gabonese Republic 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 Gabonese Republic shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories 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 Gabonese Republic; and

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 subject to the terms and conditions of the agreement proposed herein.

If the foregoing proposals are acceptable to the Government of the Gabonese Republic, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs to that effect shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note and shall supersede in its entirety the 2007 IMET Agreement and shall govern all aid provided by the United States of America to Gabon under the Foreign Assistance Act of 1961 or successor legislation; the Arms Export Control Act; 10 U.S.C. § 333, and other Department of Defense authorities; and the furnishing on a grant basis of defense articles, related training, and other defense services from the United States of America to Gabon under such authorities.

End substantive text of U.S. note.

The Ministry of Foreign Affairs of the Government of the Gabonese Republic has the honor to confirm that the proposals set forth in the Embassy's note are acceptable to the Government of the Gabonese Republic 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 and shall supersede in its entirety the 2007 IMET Agreement and shall govern all aid provided by the United States of America to Gabon under the Foreign Assistance Act of 1961 or successor legislation; the Arms Export Control Act; 10 U.S.C. §333, and other Department of Defense authorities; and the furnishing on a grant basis of defense articles, related training, and other defense services from the United States of America to Gabon under such authorities.

The Ministry of Foreign Affairs thanks the Embassy of the United States of America in Libreville for its perfect collaboration and takes this opportunity to renew the assurances and its highest consideration.



Libreville, the 7th September, 2018

EMBASSY OF THE UNITED STATES OF AMERICA
-LIBREVILLE-



SECRETARIAT GENERAL

DIRECTION GENERALE
DES AFFAIRES ETRANGERES

DIRECTION DES AFFAIRES AMERICAINES

0 0 1 1 1 1 MAECFIR/SG/DGAE/DAA

Le Ministère des Affaires Étrangères de la République Gabonaise présente ses compliments à l'Ambassade des États-Unis d'Amérique à Libreville, informe l'Ambassade des États-Unis que la présente Note Verbale annule dans son intégralité la précédente Note N° 000539/MAECFIR/CABME/CJ du Ministère en date du 14 août 2018 et a l'honneur d'accuser réception de la Note de l'Ambassade N° 058/18, en date du 6 avril 2018, qui se lit pour l'essentiel comme suit :

L'Ambassade des États-Unis d'Amérique à Libreville présente ses compliments au Ministère des Affaires Étrangères de la République Gabonaise et a l'honneur de se référer aux discussions précédentes entre les représentants des deux gouvernements concernant la Loi sur l'aide étrangère (Foreign Assistance Act) de 1961 ou la législation lui ayant succédé, la Loi sur le contrôle de l'exportation des armes (Arms Export Control Act), l'article 333 du chapitre 10 du code des États-Unis (U.S.C. § 333), et d'autres autorités du département de la Défense, ainsi que la fourniture à titre de subvention d'articles de défense, de la formation connexe et d'autres services de défense par les États-Unis d'Amérique au Gouvernement de la République Gabonaise en vertu de ces autorités. À cet égard, l'Ambassade a l'honneur de se référer à l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République Gabonaise portant sur la fourniture d'articles de défense, de la formation connexe et d'autres services de défense, y compris la formation assurée dans le cadre du programme international de formation et d'éducation militaire IMET (International Military Education and Training) des États-Unis à titre de subvention conformément à la Loi sur l'aide étrangère de 1961, telle qu'amendée, ou la législation lui ayant succédé, effectué par échange de notes à Libreville le 26 juillet et le 8 août (« l'Accord IMET de 2007 »).

En rapport avec les discussions précitées, l'Ambassade souhaite proposer que le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République Gabonaise conviennent de ce qui suit :

A. Qu'à moins que le consentement écrit du Gouvernement des États-Unis d'Amérique n'ait été obtenu au préalable, le Gouvernement de la République Gabonaise ne doit pas :

(I) Permettre l'utilisation de ces articles de défense, de la formation connexe, y compris du matériel de formation, ou autres services de défense par un quelconque individu n'étant pas officier, employé ou un agent du Gouvernement de la République Gabonaise ;

(II) Transférer, ou permettre à tout officier, employé ou agent du Gouvernement de la République Gabonaise de transférer de tels articles de défense, de la formation connexe, y compris le matériel de formation, ou autres services de défense par don, vente, ou autrement ; ou

(III) Utiliser ou permettre l'utilisation de ces articles de défense, de la formation connexe, y compris du matériel de formation, ou autres services de défense à des fins autres que celles pour lesquelles ils ont été fournis.

B. Que ces articles de défense, de la formation connexe, y compris le matériel de formation, ou autres services de défense, sont retournés au Gouvernement des États-Unis d'Amérique lorsqu'ils ne servent plus aux fins pour lesquelles ils ont été fournis, à moins que le Gouvernement des États-Unis d'Amérique ne consente à une autre disposition ;

C. Que le produit net de la vente reçu par le Gouvernement de la République Gabonaise au moment de s'en débarrasser, avec le consentement écrit préalable du Gouvernement des États-Unis d'Amérique, de tout article de défense fourni par le Gouvernement des États-Unis d'Amérique à titre gracieux, y compris les débris de tout article de défense, est reversé au Gouvernement des États-Unis d'Amérique ;

D. Que le Gouvernement de la République Gabonaise assure la maintenance de la sécurité de ces articles de défense et, de la formation connexe, y compris du matériel de formation, ou autres services de défense ; qu'il fournira sensiblement le même niveau de protection de sécurité que celui accordé à ces articles de défense, de la formation connexe, y compris du matériel de formation, ou autres services de défense par le Gouvernement des États-Unis d'Amérique ; et qu'il autorise, comme le Gouvernement des États-Unis d'Amérique peut l'exiger, l'observation continue, les inspections programmées, les inventaires et l'examen physiques par les représentants du Gouvernement des États-Unis d'Amérique, et fournit les informations nécessaires aux représentants du Gouvernement des États-Unis d'Amérique en ce qui concerne leur utilisation par le Gouvernement de la République Gabonaise ; et

E. Que le Gouvernement des États-Unis d'Amérique peut également, de temps à autre, assujettir la fourniture d'articles et de services fournis en vertu d'autres pouvoirs aux conditions de l'accord proposé dans les présentes.

Si les propositions qui précèdent sont acceptables pour le Gouvernement de la République gabonaise, l'Ambassade propose que la présente note et une note du Ministère des Affaires Étrangères à cet effet constituent un accord entre les deux gouvernements, qui entre en vigueur à la date de la note du Ministère et remplace dans son intégralité l'Accord IMET 2007, et régit toute l'aide fournie par les États-Unis d'Amérique au Gabon dans le cadre de la Loi sur l'aide étrangère de 1961 ou la législation lui ayant succédé, la Loi sur le contrôle de l'exportation des armes (Arms Export Control Act), l'article 333 du chapitre 10 du code des États-Unis (U.S.C. § 333), et d'autres autorités du département de la Défense, ainsi que la fourniture à titre de subvention d'articles de défense, de la formation connexe et d'autres services de défense par les États-Unis d'Amérique au Gouvernement de la République Gabonaise en vertu de ces autorités.

Fin du texte de fond de la note des États-Unis.

Le Ministère des Affaires Étrangères du Gouvernement de la République Gabonaise a l'honneur de confirmer que les propositions contenues dans la Note de l'Ambassade sont acceptables pour le Gouvernement de la République Gabonaise, et que la Note de l'Ambassade et la présente note de réponse constituent un accord entre les deux Gouvernements qui entre en vigueur à cette date et remplace dans son intégralité l'Accord IMET de 2007, et régit toute l'aide fournie par les États-Unis d'Amérique au Gabon dans le cadre de la Loi sur l'aide étrangère de 1961 ou la législation lui ayant succédé, la Loi sur le contrôle de l'exportation des armes (Arms Export Control Act), l'article 333 du chapitre 10 du code des États-Unis (U.S.C. § 333), et d'autres autorités du département de la Défense, ainsi que la fourniture à titre de subvention d'articles de défense, de la formation connexe et d'autres services de défense par les États-Unis d'Amérique au Gouvernement de la République Gabonaise en vertu de ces autorités.

Le Ministère des Affaires Étrangères remercie l'Ambassade des États-Unis d'Amérique à Libreville pour sa parfaite collaboration et saisit cette occasion pour lui renouveler les assurances de sa haute considération.



Libreville, le 7 septembre 2018

AMBASSADE DES ÉTATS-UNIS D'AMÉRIQUE
-LIBREVILLE-

Ministère des Affaires Étrangères, de la Francophonie et de l'Intégration Régionale, chargé des Gabonais de l'Étranger/
Vallée de Sainte Marie

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