

DEFENSE

Assistance

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

Effectuated by Exchange of Notes
at Port Moresby and Port Vila
July 2 and August 6, 2021

Entered into force August 6, 2021



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.”



Note No. 023/2021

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs, International Cooperation, and External Trade of the Republic of Vanuatu, and has the honor to refer to earlier discussions between representatives of the Government of the United States of America and the Government of the Republic of Vanuatu 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 of defense articles, related training, and other defense services from the United States of America to the Government of the Republic of Vanuatu under such authorities.

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

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

(II) Transfer, or permit any officer, employee, or agent of the Government of the Republic of Vanuatu 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 Republic of Vanuatu 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 Republic of Vanuatu 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 Republic of Vanuatu; 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 proposal is acceptable to the Government of the Republic of Vanuatu, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs, International Cooperation, and External Trade to that effect shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America avails itself of this opportunity to renew the Ministry of Foreign Affairs, International Cooperation, and External Trade of the Republic of Vanuatu the assurances of its highest consideration.

Embassy of the United States,
Port Moresby, July 2, 2021.



**GOVERNEMENT DE LA
RÉPUBLIQUE DE VANUATU**

**MINISTÈRE DES
AFFAIRES ÉTRANGÈRES, DE LA
COOPÉRATION INTERNATIONALE
ET DU COMMERCE EXTÉRIEUR**



**GOVERNMENT OF THE
REPUBLIC OF VANUATU**

**MINISTRY OF
FOREIGN AFFAIRS,
INTERNATIONAL COOPERATION
AND EXTERNAL TRADE**

Note No.064/MFAICET/21

The Ministry of Foreign Affairs, International Cooperation, and External Trade of the Republic of Vanuatu presents its compliments to the Embassy of the United States of America, in Port Moresby and wishes to retract its Note No.061/MFAICET/21, dated 27th of July 2021, and replace it with this note.

The Ministry has the honor to acknowledge the receipt of the Embassy's Note No. 023/2021, dated July 2, 2021, which reads as follows:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs, International Cooperation, and External Trade of the Republic of Vanuatu, has the honor to refer to earlier discussions between representatives of the Government of the United States of America and the Government of the Republic of Vanuatu 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 of defense articles, related training, and other defense services from the United States of America to the Government of the Republic of Vanuatu under such authorities.

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

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

(II) Transfer, or permit any officer, employee, or agent of the Government of the Republic of Vanuatu 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 Republic of Vanuatu 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 Republic of Vanuatu 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 Republic of Vanuatu; 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 proposal is acceptable to the Government of the Republic of Vanuatu, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs, International Cooperation, and External Trade to that effect shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note.

The Ministry of Foreign Affairs, International Cooperation, and External Trade of the Republic of Vanuatu has the honor to confirm that the proposals set forth in the Embassy's note are acceptable to the Government of the Republic of Vanuatu and further confirm that the Embassy's note and this note in reply shall constitute an Agreement between the two Governments which shall enter into force on the date of this note.

The Ministry of Foreign Affairs, International Cooperation, and External Trade of the Republic of Vanuatu avails itself of this opportunity to renew to the Embassy of the United States of America, in Port Moresby, the assurances of its highest consideration.

Port-Vila, the 6th of August 2021

Embassy of the United States of America

P.O. Box 1492, Port Moresby

Papua New Guinea

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