

DEFENSE

Assistance

Agreement Between the UNITED STATES OF AMERICA and PAPUA NEW GUINEA

Signed at Port Moresby July 9, 2021

Entered into force March 30, 2022



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.”

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA
REGARDING
THE FURNISHING ON A GRANT BASIS OF DEFENSE ARTICLES,
RELATED TRAINING, AND OTHER DEFENSE SERVICES

The Government of the United States of America and the Government of the Independent State of Papua New Guinea (hereinafter referred to as the "Parties"),

Referring to grants under the Foreign Assistance Act of 1961 or successor legislation, the Arms Export Control Act, as amended, 10 U.S.C. Section 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 Independent State of Papua New Guinea under such authorities,

Recognizing that for purposes of this agreement, the terms "defense articles," "related training," and "defense services" include any items and services furnished by the United States to the Independent State of Papua New Guinea on a grant basis under the provisions of this Agreement, pursuant to the applicable authorities of the Foreign Assistance Act of 1961 or successor legislation, the Arms Export Control Act, 10 U.S.C. Section 333, and other Department of Defense authorities,

Affirming the importance of complying with the applicable domestic laws of the Parties, and any applicable international law, in connection with the furnishing, on a grant basis, of such defense articles, related training, and other defense services; and

Taking into account the capabilities of the Government of the Independent State of Papua New Guinea and recognizing that the furnishing, on a grant basis, of such defense articles, related training, and other defense services from the United States is subject to the consent of the Government of the Independent State of Papua New Guinea,

Have agreed as follows:

A. Unless the written consent of the Government of the United States of America has been first obtained, the Government of the Independent State of Papua New Guinea 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 Independent State of Papua New Guinea;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Independent State of Papua New Guinea 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 they were furnished.

B. 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. The net proceeds of sale received by the Government of the Independent State of Papua New Guinea 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. The Government of the Independent State of Papua New Guinea 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 regards to the use thereof by the Government of the Independent State of Papua New Guinea.

E. The Government of the United States of America may also, from time to time, make the provision of defense articles and services furnished under other authority subject to the terms and conditions of this Agreement.

F. This Agreement shall enter into force on the date of the later note in an exchange of notes between the Parties indicating that each Party has completed its internal procedures for entry into force of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE, in duplicate, in the English language.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF
AMERICA**



H.E. Erin E. McKee
Ambassador Extraordinary and
Plenipotentiary of the
United States of America

July 9, 2021
Date

Port Moresby, PNG
City

**FOR THE GOVERNMENT OF
THE INDEPENDENT STATE OF
PAPUA NEW GUINEA**



Honorable Soroi Eoe, MP
Minister for Foreign Affairs and
International Trade for the
Independent State of
Papua New Guinea

July 9, 2021
Date

Port Moresby, PNG
City