

DEFENSE

Assistance

**Agreement between the
UNITED STATES OF AMERICA
and THE GAMBIA**

Effected by Exchange of Notes at Banjul
August 14 and 18, 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.”

THE GAMBIA

Defense: Assistance

*Agreement effected by exchange of notes at Banjul
August 14 and 18, 2003;
Entered into force August 18, 2003.*

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 87/03

The Embassy of the United States of America presents its compliments to the Department of State for Foreign Affairs of the Republic of The Gambia 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 The Gambia and the provision of such items by the United States Government to the Government of The Gambia for purposes of participation in a peacekeeping operations (PKO) in Liberia under Economic Community of West African States (ECOWAS) or other ECOWAS PKO.

In accordance with these discussions, it is proposed that the Government of The Gambia agree:

A. That unless the consent of the Government of the United States has been first obtained, the Government of The Gambia 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 Gambia or of ECOWAS;

(II) Transfer or permit any officer, employee or agent of the Government of The Gambia to transfer such articles or related training including training materials or other defense services by gift, sale or otherwise except to ECOWAS, 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 or ECOWAS, if related to an ECOWAS peacekeeping mission, 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 Gambia 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 Gambia 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 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 Gambia.

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 Gambia 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 Department of State for Foreign Affairs of the Republic of The Gambia the assurances of its highest consideration.

Embassy of the United States of America,
Banjul, August 14, 2003.





THE REPUBLIC OF THE GAMBIA
Department of State for Foreign Affairs
No. 4 Marina Parade
Banjul, The Gambia

Ref: IEC 555/176/01/(126-AEC)

The Department of State for Foreign Affairs of the Republic of The Gambia Presents its compliments to the Embassy of the United States of America in Banjul and with reference to the latter's Note Verbale ref: No. 87/03 of the 14th August 2003, has the honour to state as follows:

The conditions set forth in the Note No. 87/03 from the Embassy of the United States of America are acceptable to the Government of The Gambia 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.

The Department of State for Foreign Affairs of the Republic of The Gambia seizes this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

The Embassy of the
United States of America
Banjul

BANJUL, 18th August 2003

