

DEFENSE

Cooperation

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

Effected by Exchange of Notes at
Panama September 20, 2016 and
August 2, 2017



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.”

PANAMA

Defense: Cooperation

*Agreement effected by exchange of notes
at Panama September 20, 2016
and August 2, 2017;
Entered into force August 2, 2017.*

No. 1144

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Panama, Directorate of Legal Affairs and Treaties, 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. § 2282 (formerly section 1206), 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 Panama under such authorities. In this regard, the Embassy refers to the Agreement Between the Government of the United States of America and the Government of the Republic of Panama regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other services, including pursuant to the International Military Education and Training program, from the United States of America to the Government of the Republic of Panama pursuant

to the Foreign Assistance Act of 1961, or successor legislation, effected by exchange of notes at Panama City on July 24 and August 23, 2007 ("2007 Agreement").

In accordance with these discussions, the Embassy proposes that the Government of the United States of America and the Government of the Republic of Panama 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 Panama 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 Panama;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Republic of Panama 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 Panama 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; and

D. That the Government of the Republic of Panama 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 Panama.

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 Republic of Panama, 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 aforementioned 2007 Agreement.

The Embassy of the United States of America avails itself of this opportunity to reiterate to the Ministry of Foreign Relations of the Republic of Panama, Directorate of Legal Affairs and Treaties, the assurances of its highest consideration.



Embassy of the United States of America,

Panama, September 20, 2016.



Translation

Republic of Panama
Ministry of Foreign Relations
Panama 4, Panama

N.V.-AJ/DT No. 179-MIRE-2017-62594

The Ministry of Foreign Relations, Directorate of Legal Affairs and Treaties presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of its note verbale No. 1144 of September 20, 2016, which reads as follows:

[Quote:]

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Panama, Directorate of Legal Affairs and Treaties, 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. § 2282 (formerly section 1206), 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 Panama under such authorities. In this regard, the Embassy refers to the Agreement Between the Government of the United States of America and the Government of the Republic of Panama regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other Services, including pursuant to the International Military Education and Training program, from the United States of America to the Government of the Republic of Panama pursuant to the

Embassy of the United States of America,
Panama City.

Foreign Assistance Act of 1961, or successor legislation, effected by exchange of notes at Panama City on July 24 and August 23, 2007 ("2007 Agreement").

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

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

(II) Transfer, or permit any officer, employee, or agent of the Government of the Republic of Panama 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 Panama 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; and

D. That the Government of the Republic of Panama 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 Panama.

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 Republic of Panama, 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 aforementioned 2007 Agreement.

The Embassy of the United States of America avails itself of this opportunity to reiterate to the Ministry of Foreign Relations of the Republic of Panama, Directorate of Legal Affairs and Treaties, the assurances of its highest consideration.

[Unquote.]

In this regard, the Ministry of Foreign Relations has the honor to inform the Embassy of the United States of America that the above proposal is acceptable to the Government of the Republic of Panama and that the Embassy's note and this note shall constitute an agreement between our two governments which shall enter into force on the date of this note.

[Complimentary close].

Panama City, August 2, 2017

[Initialed]

[Ministry stamp]



REPÚBLICA DE PANAMÁ
Ministerio de Relaciones Exteriores

PANAMÁ 4. PANAMÁ

N.V. – AJ/DT No. 179 -MIRE-2017-62594

El Ministerio de Relaciones Exteriores –Dirección General de Asuntos Jurídicos y Tratados- saluda muy atentamente a la Honorable Embajada de los Estados Unidos de América y tiene el honor de acusar recibo de su atenta Nota Verbal No.1144 de 20 de septiembre de 2016, que dice lo siguiente:

“La Embajada de los Estados Unidos de América saluda muy atentamente al Ministerio de Relaciones Exteriores de la República de Panamá, Dirección de Asuntos Jurídicos y Tratados, y tiene el honor de referirse a conversaciones habidas entre representantes de nuestros dos Gobiernos acerca de la Ley de Asistencia al Exterior de 1961 y su legislación sucesora, la Ley de Control de Exportación de Armas; la Sección 2282 del Título 10 del Código de los EE.UU. (conocida anteriormente como la sección 1206) y otras facultades del Departamento de Defensa; y la suministración de artículos de defensa, la capacitación asociada a la misma y otros servicios de defensa por parte de los Estados Unidos de América a Panamá en virtud de esas facultades. En este sentido, la Embajada invoca el *Acuerdo entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Panamá relativo a las subvenciones hechas con sujeción a la Ley de Asistencia al Exterior de 1961 y sus enmiendas o legislaciones sucesoras, y la suministración de artículos de defensa, la capacitación asociada a la misma y otros servicios, inclusive de conformidad con el Programa Internacional de Educación y Capacitación Militar de los Estados Unidos al Gobierno de la República de Panamá, en virtud de la Ley de Asistencia al Exterior de 1961 o legislaciones sucesoras*, celebrado mediante canje de notas en la Ciudad de Panamá los días 24 de julio y 23 de agosto de 2007 (“Acuerdo de 2007”).

De conformidad con esas conversaciones, la Embajada propone que el Gobierno de los Estados Unidos de América y el Gobierno de la República de Panamá acuerden:

A. Que, salvo aprobación previa obtenida del Gobierno de Estados Unidos de América, el Gobierno de la República de Panamá:

1) No permitirá...

A la Honorable
Embajada de los
Estados Unidos de América
Ciudad

I) No permitirá ningún uso de tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción, ni otros servicios de defensa por nadie que no sea oficial, empleado, o representante del Gobierno de la República de Panamá;

II) No transferirá, ni permitirá que ningún oficial, empleado, ni representante del Gobierno de la República de Panamá transfiera tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa, como regalo, venta, ni de ninguna otra forma; ni

III) Usará ni permitirá el uso de tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa, para propósitos que no sean aquellos para los cuales se entregaron.

B. Que esos artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción, u otros servicios de defensa, serán devueltos al Gobierno de los Estados Unidos de América cuando ya no sean necesarios para los propósitos por los que fueron suministrados, a menos que el Gobierno de los Estados Unidos de América apruebe otra disposición;

C. Que el beneficio neto de la venta recibido por el Gobierno de la República de Panamá al deshacerse, con el permiso previo por escrito del Gobierno de los Estados Unidos de América, de cualquier artículo de defensa proporcionado por el Gobierno de los Estados Unidos de América como dádiva, incluida cualquier chatarra restante de tal artículo de defensa, serán pagados al Gobierno de los Estados Unidos de América; y

D. Que el Gobierno de la República de Panamá deberá mantener la seguridad de tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción y otros servicios de defensa; que deberá suministrar esencialmente el mismo grado de protección de seguridad que les otorga el Gobierno de los Estados Unidos de América a tales artículos de defensa, capacitación relacionada con los mismos, incluidos los materiales de instrucción, y otros servicios de defensa; y que deberá, según lo requiera el Gobierno de los Estados Unidos de América; permitir la observación permanente, inspecciones programadas, inventarios físicos y la evaluación por representantes del Gobierno de los Estados Unidos de América, además de suministrarles la información necesaria, con respecto al uso de esos artículos por el Gobierno de la República de Panamá.

E. Que el Gobierno de los Estados Unidos de América podrá también, de vez en cuando, sujetar el suministro de artículos y servicios brindados conforme a otras autoridades a los términos y condiciones del acuerdo aquí propuesto.

Si las propuestas...

Si las propuestas antedichas son aceptable para el Gobierno de la República de Panamá, la Embajada propone que esta nota y la nota del Ministerio de Relaciones Exteriores del mismo tenor, constituyan un acuerdo entre los dos gobiernos, el cual entrará en vigor en la fecha de la nota del Ministerio y deberá sustituir en su totalidad el Acuerdo de 2007 mencionado anteriormente.

La Embajada de los Estados Unidos de América aprovecha la oportunidad para reiterar al Ministerio de Relaciones Exteriores de la República de Panamá, Dirección de Asuntos Jurídicos y Tratados, las seguridades de su más alta consideración”.

Sobre el particular, el Ministerio de Relaciones Exteriores -Dirección General de Asuntos Jurídicos y Tratados- tiene el honor de informar a la Honorable Embajada de los Estados Unidos de América que la propuesta anterior es aceptable al Gobierno de la República de Panamá y que la Nota de esa Honorable Embajada y la presente constituyen un Acuerdo entre nuestros dos Gobiernos que entrará en vigencia en la fecha de la presente Nota.

El Ministerio de Relaciones Exteriores -Dirección General de Asuntos Jurídicos y Tratados- aprovecha la oportunidad para reiterar a la Honorable Embajada de los Estados Unidos de América las seguridades de su más alta y distinguida consideración.

Panamá, 2 de agosto de 2017

