

DEFENSE

**Agreement between the
UNITED STATES OF AMERICA
and AZERBAIJAN**

Effected by Exchange of Notes
Dated at Baku May 8 and June 14, 2002



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.”

AZERBAIJAN

Defense

*Agreement effected by exchange of notes
Dated at Baku May 8 and June 14, 2002;
Entered into force June 14, 2002.*

No. 208/2002

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Azerbaijan and has the honor to refer to earlier discussions between representatives of our two governments regarding the furnishing of defense articles, related training, to include training related to defense articles under the U.S. International Military and Education Training Program, and other defense services from the United States of America to the Republic of Azerbaijan.

In accordance with previous discussions, it is proposed that the Republic of Azerbaijan agree to the following points.

A. Unless the consent of the Government of the United States of America has been first obtained, the Republic of Azerbaijan 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 Republic of Azerbaijan;

(II) Transfer or permit any officer, employee, or agent of the Republic of Azerbaijan to transfer such articles or

DIPLOMATIC NOTE

related training including training materials or other defense services by gift, sale, or otherwise; 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. Articles or related training including training materials or 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. Net proceeds of sale received by the Republic of Azerbaijan 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 Republic of Azerbaijan shall maintain the security of such articles, related training including training materials, and other defense services; it shall provide substantially the same degree of security protection afforded to such articles or related training including training materials or other defense services by the Government of the

United States of America; 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 regards to the use thereof by the Republic of Azerbaijan.

E. 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.

A Diplomatic Note from the Ministry of Foreign Affairs stating that the foregoing points are acceptable to the Government of the Republic of Azerbaijan 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 Ministry of Foreign Affairs assurances of its highest consideration.

Embassy of the United States of America,
Baku, 8 May 2002





TRANSLATION

[emblem]

**REPUBLIC OF AZERBAIJAN
MINISTRY OF FOREIGN AFFAIRS**

No.: 844-10 [handwritten]

Urgent

The Ministry of Foreign Affairs of the Republic of Azerbaijan expresses its respect to the Embassy of the United States of America in Baku and has the honor to communicate the following:

Taking into account the replacement of the phrase "Republic of Azerbaijan" with the phrase "the Government of the Republic of Azerbaijan" in Articles "A" and "D", the Government of the Republic of Azerbaijan confirms the acceptance of the proposals reflected in the Embassy's note numbered 208/2002 and dated May 8, 2002, and, expressing the agreement between the governments of the two countries, confirms that the Embassy's note, along with this response note, enter into force effective today:

Taking advantage of this opportunity, the Ministry of Foreign Affairs of the Republic of Azerbaijan once again expresses its respect to the Embassy of the United States of America in Baku.

Baku, June [?] **14**, 2002

[round stamp: Azerbaijani Republic/Ministry of Foreign Affairs/
Secretariat/emblem]
[initials]

Embassy of the United States of America
Baku

[stamp in English] 17 June 2002



**AZƏRBAYCAN RESPUBLİKASI
XARİCİ İŞLƏR NAZİRLİYİ**

**REPUBLIC OF AZERBAIJAN
MINISTRY OF FOREIGN AFFAIRS**

№ 844-10

Təcili

Azərbaycan Respublikası Xarici İşlər Nazirliyi Amerika Birləşmiş Ştatlarının Bakıdakı Səfirliyinə öz hörmət və ehtiramını izhar edir və aşağıdakıları bildirməkdən şərəf duyur:

Azərbaycan Respublikası Hökuməti «A» və «D» bəndlərində «Azərbaycan Respublikası» ifadəsinin «Azərbaycan Respublikası Hökuməti» ifadəsi ilə əvəz olunması nəzərə alınmaqla, Səfirliyin 208/2002 nömrəli 8 may 2002-ci il tarixli notasında əks olunan təklifləri qəbul etdiyini və Səfirliyin notası ilə birgə bu cavab notasının iki ölkənin hökumətləri arasında razılaşmanı ifadə edərək bu gündən etibarən qüvvəyə mindiyini təsdiq edir.

Azərbaycan Respublikası Xarici İşlər Nazirliyi fürsətdən istifadə edərək Amerika Birləşmiş Ştatlarının Bakıdakı Səfirliyinə öz hörmət və ehtiramını bir daha izhar edir.

Amerika Birləşmiş Ştatlarının
Səfirliyi
Bakı

Bakı, 17 JUN 2002-ci il



17 JUN 2002