

No. 7692

**UNITED STATES OF AMERICA
and
KENYA**

**Exchange of notes constituting an agreement relating to
the Peace Corps (with related notes). Nairobi, 26 Au-
gust 1964**

Official text: English.

Registered by the United States of America on 15 April 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
KENYA**

**Échange de notes constituant un accord relatif au Peace
Corps (avec notes connexes). Nairobi, 26 août 1964**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 15 avril 1965.

No. 7692. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND KENYA RELATING TO THE PEACE CORPS. NAIROBI, 26 AUGUST 1964

I

The American Ambassador to the Prime Minister of Kenya

No. 24

Nairobi, August 26, 1964

Excellency :

I have the honor to refer to recent conversations between representatives of our two Governments and to propose the following understandings with respect to the men and women of the United States of America who volunteer to serve in the Peace Corps and who, at the request of your Government, would live and work for periods of time in Kenya.

1. The Government of the United States of America will furnish such Peace Corps Volunteers as may be requested by the Government of Kenya and approved by the Governments of the United States of America and Kenya to perform mutually agreed tasks in Kenya. The Volunteers will work under the immediate supervision of governmental or such other organizations in Kenya designated by our two Governments. The Government of the United States of America will provide training to enable the Volunteers to perform more effectively their agreed tasks.

2. The Government of Kenya will accord equitable treatment to the Volunteers and their property; afford them full aid and protection, including treatment no less favorable than that accorded generally to nationals of the United States of America residing in Kenya; and fully inform, consult and cooperate with representatives of the Government of the United States of America with respect to all matters concerning them. The Government of Kenya will exempt the Volunteers from all taxes on income derived from sources outside Kenya, from all customs duties or other charges on their personal property (excluding motor vehicles, refrigerators, television sets, tobacco and alcohol) introduced into Kenya for their own use within three months of their arrival, and from all other taxes or other charges (including immigration fees) except all types of license fees and taxes or other charges included in the prices of equipment, supplies and services.

3. The Government of the United States of America will provide the Volunteers with such limited amounts of equipment and supplies as our two Governments may agree should be provided by the Government of the United States of America to enable the Volunteers to perform their tasks effectively. The Government of Kenya will exempt

¹ Came into force on 26 August 1964 by the exchange of the said notes.

from all taxes, customs duties and other charges, all equipment and supplies introduced into or acquired in Kenya by the Government of the United States of America, or any contractor acting as an agent for it, for use hereunder.

4. To enable the Government of the United States of America to discharge its responsibilities under this agreement, the Government of Kenya will receive a Representative of the Peace Corps and such staff of the Representative as are acceptable to the Government of Kenya. The Government of Kenya will accord the Peace Corps Representative and his American staff first arrival privileges which shall include : exemption from income tax, graduated personal tax, and hospital contribution throughout their assignment in Kenya on emoluments received from their Peace Corps work and from sources outside Kenya; exemption from customs duties on all personal and household goods imported within three months after arrival and permission for free importation of one motor vehicles or duty-free purchase of one motor vehicle from bond during the first three months of their arrival in Kenya. This shall be understood to mean that the Representative and his American staff shall not be entitled to duty-free supplies of tobacco and alcohol at any time during the period of their assignment in Kenya. The Representative and his staff will be exempt from all other taxes or other charges (including immigration fees) except all types of license fees and taxes or other charges included in the prices of equipment, supplies and services.

5. Appropriate representatives of our two Governments may make from time to time such arrangements with respect to Peace Corps Volunteers and Peace Corps programs in Kenya as appear necessary or desirable for the purpose of implementing this agreement. The undertakings of each Government herein are subject to the availability of funds and to the applicable laws of that Government.

I have the honor to propose further that, if these understandings are acceptable to your Government, this letter and your Government's reply letter concurring therein shall constitute an agreement between our two Governments which shall enter into force on the date of your Government's reply letter and shall remain in force until ninety days after the date of the written notification from either Government to the other of intention to terminate it.

Accept, Excellency, the renewed assurances of my highest consideration.

William ATTWOOD

His Excellency Jomo Kenyatta
Prime Minister of Kenya
Nairobi

II

The Prime Minister of Kenya to the American Ambassador

PRIME MINISTER'S OFFICE
NAIROBI, KENYA

EXT.171/28/003/36

26th August, 1964

Excellency,

I have the honour to refer to your letter dated 26th August, 1964 addressed to me concerning the United States Peace Corps Programme in Kenya in the following terms :

[See note I]

I confirm that the above understandings are acceptable to my Government and accordingly your letter under reference and my present letter in reply thereto shall be deemed to constitute an agreement between the Governments of Kenya and the United States on the latter's Peace Corps Programme in Kenya.

Accept, Excellency, the assurance of my highest consideration.

Jomo KENYATTA
Prime Minister

His Excellency William Attwood
Ambassador of the United States of America to Kenya
Nairobi

RELATED NOTES

I

The Prime Minister of Kenya to the American Ambassador

PRIME MINISTER'S OFFICE
NAIROBI, KENYA

EXT.171/28/003/37

26th August, 1964

Excellency,

I have the honour to refer to the Agreement between the Governments of Kenya and the United States of America effected by exchange of letters on the 26th August, 1964, on the American Peace Corps Programme in Kenya.

The last sentence of paragraph 3 of the aforementioned Agreement reads as follows :

“ The Government of Kenya will exempt from all taxes, customs duties and other charges, all equipment and supplies introduced into or acquired in Kenya by the Government of the United States, or any contractor acting as agent for it, for use hereunder.”

My Government would like to put it on record that the expression “ acquired in Kenya by the Government of United States ” shall normally mean that the equipment and supplies referred to will be ordered and cleared duty-free from bond, and not purchased from duty-paid stocks out of bond. In order to implement this clause in respect of duty-paid goods purchased locally by the Peace Corps Representative, the Government of Kenya would have to make a refund of the duty element, after the purchased had been made. For administrative reasons this practice is kept to the minimum in Kenya. If therefore the Peace Corps Representative needs at any time to purchase duty-paid goods on which it is intended to claim refund of duty, it is requested that prior notification be given to the Kenya Government. Application for refund of import duty and consumption tax on petrol and lubricating oil used for official purposes of the Peace Corps Programme in Kenya shall be made on a quarterly basis, subject to a certification by the Peace Corps Representative that the refund claimed is proper and is in respect of petrol and lubricating oil used for official purposes.

Accept, Excellency, the assurance of my highest consideration.

Jomo KENYATTA
Prime Minister

His Excellency William Attwood
Ambassador of the United States of America to Kenya
Nairobi

II

The American Ambassador to the Prime Minister of Kenya

No. 25

Nairobi, August 26, 1964

Excellency :

I have the honor to refer to the Agreement between the Governments of Kenya and the United States of America effected by exchange of letters on the

American Peace Corps Program in Kenya on August 26, 1964. I have the honor to confirm my Government's agreement with the following statement :

[See related note I, paragraphs 2 and 3]

Accept, Excellency, the renewed assurances of my highest consideration.

William ATTWOOD

His Excellency Jomo Kenyatta
Prime Minister of Kenya
Nairobi