

No. 12230

**UNITED STATES OF AMERICA
and
ZAIRE**

Exchange of notes constituting an agreement regarding deposits for military assistance under the Foreign Assistance Act of 1971. Kinshasa, 18 April and 16 May 1972

Authentic texts: English and French.

Registered by the United States of America on 29 December 1972.

**ÉTATS-UNIS D'AMÉRIQUE
et
ZAÏRE**

Échange de notes constituant un accord relatif aux dépôts effectués au titre de l'assistance militaire en vertu de la loi de 1971 sur l'aide à l'étranger. Kinshasa, 18 avril et 16 mai 1972

Textes authentiques : anglais et français.

Enregistré par les États-Unis d'Amérique le 29 décembre 1972.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ZAIRE REGARDING DEPOSITS FOR MILITARY ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT OF 1971

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE ZAIRE RELATIF AUX DÉPÔTS EFFECTUÉS AU TITRE DE L'ASSISTANCE MILITAIRE EN VERTU DE LA LOI DE 1971 SUR L'AIDE À L'ÉTRANGER

I

No. 21

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Cooperation of the Republic of Zaire and has the honor to refer to recent discussions regarding the United States Foreign Assistance Act of 1971, which includes a provision requiring payment to the United States Government in zaires of ten percent of the value of grant military assistance and excess defense articles provided by the United States to the Government of the Republic of Zaire.

In accordance with that provision, it is proposed that the Government of the Republic of Zaire will deposit in an account to be specified by the United States Government, at a rate of exchange which is not less favorable to the United States Government than the best legal rate at which United States dollars are sold by authorized dealers in the country of Zaire for zaires on the date deposits are made, the following amounts in zaires:

- (A) In the case of any excess defense article given to the Government of the Republic of Zaire, an amount equal to ten percent of the fair value of that article, as determined by the United States Government; and
- (B) In the case of a grant of military assistance to the Government of the Republic of Zaire, an amount equal to ten percent of each such grant. The Government of the Republic of Zaire will be notified quarterly of deliveries of defense articles and rendering of defense services and the values thereof. Deposits to the account of the United States Government will be due and payable upon request by the United States Government, which request shall be made, if at all, within one year following the aforesaid notification of deliveries.

It is further proposed that the amounts to be deposited may be used to pay all official costs of the United States Government payable in zaires, including but not limited to all costs relating to the financing of international educational and cultural exchange activities under programs authorized by the United States Mutual Educational and Cultural Exchange Act of 1961.

It is finally proposed that the Ministry's reply stating that the foregoing is acceptable to the Government of the Republic of Zaire shall, together with this

¹ Came into force on 16 May 1972 by the exchange of the said notes, with effect from 7 February 1972, in accordance with their provisions.

¹ Entré en vigueur le 16 mai 1972 par l'échange des dites notes, avec effet à compter du 7 février 1972, conformément à leurs dispositions.

note, constitute an agreement between our Governments on this subject effective from and after February 7, 1972 and applicable to deliveries of defense articles and rendering of defense services funded or agreed to and delivered or rendered on or subsequent to that date.

The Embassy of the United States of America takes this opportunity to renew to the Ministry of Foreign Affairs and Cooperation of the Republic of Zaire the assurances of its highest consideration.

Kinshasa, April 18, 1972.

[TRANSLATION¹ — TRADUCTION²]REPUBLIC OF ZAIRE
MINISTRY OF FOREIGN AFFAIRS

Office of the Minister

KINSHASA

No. 130/0917

The Ministry of Foreign Affairs and Cooperation of the Republic of Zaire presents its compliments to the Embassy of the United States of America and has the honor to acknowledge Embassy note No. 21 dated April 18, 1972, proposing an agreement between the United States of America and the Republic of Zaire concerning payment to the United States Government in zaire of ten percent of the value of grant military assistance and excess defense articles provided by the United States to the Government of the Republic of Zaire.

In accordance with that Agreement, the Government of the Republic of Zaire would deposit in an account specified by the United States Government, at a rate of exchange which will not be less favorable to the United States Government than the best legal rate at which United States dollars are sold by authorized dealers in Zaire for zaires on the date deposits are made, the following amounts of zaires:

[See note I]

The amounts to be deposited will be used for the payment of all official costs of the United States Government payable in zaires, including but not limited to all costs relating to the financing of educational and cultural activities under programs of international exchange authorized by the United States Mutual Educational and Cultural Exchange Act of 1961.

The Ministry of Foreign Affairs and Cooperation of the Republic of Zaire is pleased to inform the Embassy of the United States of America that the foregoing provisions are acceptable to the Government of the Republic of Zaire and that this note constitutes an agreement between our two Governments effective from and after February 7, 1972, and will be applicable to deliveries of defense articles and rendering of defense services either agreed to and delivered or rendered on or subsequent to that date.

The Ministry of Foreign Affairs and Cooperation of the Republic of Zaire takes this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

DONE at Kinshasa, May 16, 1972.

Embassy of the United States
Kinshasa/Gombe

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.