

No. 16297

**UNITED STATES OF AMERICA
and
KENYA**

**Exchange of notes constituting an agreement relating to
military assistance: eligibility requirements pursuant to
the International Security Assistance and Arms Export
Control Act of 1976. Nairobi, 10 and 24 August 1976**

Authentic text: English.

Registered by the United States of America on 27 January 1978.

**ÉTATS-UNIS D'AMÉRIQUE
et
KENYA**

**Échange de notes constituant un accord relatif aux condi-
tions auxquelles est assujettie la fourniture de l'assis-
tance militaire en vertu de l'*International Security
Assistance and Arms Export Control Act* de 1976 (loi
sur l'assistance au titre de la sécurité internationale et
sur le contrôle des exportations d'armements). Nairobi,
10 et 24 août 1976**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 27 janvier 1978.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND KENYA RELATING TO MILITARY ASSISTANCE: ELIGIBILITY REQUIREMENTS PURSUANT TO THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976

I

No. 133

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Kenya and has the honor to refer to recently enacted provisions of United States law affecting eligibility for U.S. military assistance and training.

The provisions of the International Security Assistance and Arms Export Control Act of 1976 establish new statutory authority for military education and training which heretofore has been furnished by the United States Government as a defense service under its military assistance program. In addition, they prohibit the furnishing of such training unless the recipient country agrees that it will observe certain conditions regarding such training. These conditions are that, without the consent of the United States Government, the recipient country will not permit the use of such services or training by anyone not an officer, employee, or agent of that country; that it will not transfer or permit their transfer by gift, sale, or otherwise; that it will not use them or permit their use for purposes other than those for which furnished; that it will maintain their security; that it will permit continuous observation and review by United States Government representatives regarding their use; and that, unless the United States Government consents to other disposition, it will return them to the United States Government when no longer needed.

In order to implement this law, and to preserve the eligibility of the Government of Kenya for military training thereunder, it is proposed that the Government of Kenya provide the following assurances:

1. That it will not, without the consent of the United States Government
 - A. permit any use of services or training, furnished by the United States Government by anyone not an officer, employee, or agent of the Government of Kenya,
 - B. transfer or permit any officer, employee, or agent of the Government of Kenya to transfer such services or training by gift, sale, or otherwise, or
 - C. use or permit the use of such services or training for purpose other than those for which furnished by the United States Government.
2. That it will maintain the security of such services or training as are furnished by the United States Government; and will provide substantially the same degree of security protection afforded to such services or training by the United States Government.

¹ Came into force on 24 August 1976, the date of the note in reply, in accordance with the provisions of the said notes.

3. That it will permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such services or training, and
4. That it will return to the United States Government such service or training materials furnished on a grant basis as are no longer needed for the purposes for which furnished, unless the United States Government consents to other disposition.

It is further proposed that the Ministry's reply stating that the foregoing is acceptable to the Government of Kenya shall, together with this note, constitute an agreement between the Governments on this subject, to be effective from the date of the Ministry's note in reply.

The Embassy of the United States avails itself of this opportunity to renew to the Republic of Kenya the assurances of its highest consideration.

Nairobi, August 10, 1976.

Embassy of the United States of America

II

MINISTRY OF FOREIGN AFFAIRS

NAIROBI

KENYA

When replying please quote
Ref. No. MFA 153/381/398A/93
and date

The Ministry of Foreign Affairs of the Republic of Kenya presents its compliments to the Embassy of the United States of America and has the honour to acknowledge receipt of the Embassy's Note No. 133 dated 10th August, 1976, in respect of the recently enacted Provisions of United States Law affecting eligibility for U.S. military assistance and training.

In order to implement this law the Government of the Republic of Kenya hereby provides the following assurances:

[See note I]

The Ministry of Foreign Affairs of the Republic of Kenya avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

24th August, 1976
Nairobi.

The Embassy of the United States of America
Nairobi