

No. 17310

**UNITED STATES OF AMERICA
and
MALAYSIA**

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. Kuala Lumpur, 11 February and 14 March 1977

Authentic text: English.

Registered by the United States of America on 24 November 1978.

**ÉTATS-UNIS D'AMÉRIQUE
et
MALAISIE**

Échange de notes constituant un accord relatif aux conditions auxquelles est assujettie la fourniture de l'assistance 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). Kuala Lumpur, 11 février et 14 mars 1977

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 24 novembre 1978.

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

I

EMBASSY OF THE UNITED STATES OF AMERICA

No. 35

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Malaysia 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 Malaysia for military training thereunder, it is proposed that the Government of Malaysia 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 Malaysia,
 - B. Transfer or permit any officer, employee, or agent of the Government of Malaysia to transfer such services or training by gift, sale, or otherwise, or
 - C. Use or permit the use of such services or training for purposes 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 14 March 1977, 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 Malaysia 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 of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Government of Malaysia the assurances of its highest consideration.

Embassy of the United States of America

Kuala Lumpur, February 11, 1977

II

CU.60/77

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and with reference to the latter's Note No. 35 of 11th February, 1977 has the honour to state that the conditions stipulated in the above-mentioned note for the provision of military assistance under its Military Assistance Programme to Malaysia are acceptable to the Government of Malaysia.

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

Wisma Putra, Kuala Lumpur

14th March 1977
