

No. 19726

**UNITED STATES OF AMERICA
and
MALAWI**

**Exchange of notes constituting an agreement concerning
the International Military Education and Training
(IMET) Program. Lilongwe, 20 March and 1 May 1980**

Authentic text: English.

Registered by the United States of America on 27 March 1981.

**ÉTATS-UNIS D'AMÉRIQUE
et
MALAWI**

**Échange de notes constituant un accord concernant le Pro-
gramme international d'instruction et de formation
militaires. Lilongwe, 20 mars et 1^{er} mai 1980**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 27 mars 1981.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND MALAWI
CONCERNING THE INTERNATIONAL MILITARY EDUCATION
AND TRAINING (IMET) PROGRAM

I

No. 038

The Embassy of the United States of America presents its compliments to the Ministry of External Affairs of the Republic of Malawi and has the honor to refer to the Malawi Government's recent agreement to the training of a Malawi military officer in the United States.

The U.S. Foreign Assistance Act of 1961, as amended, requires that a bilateral agreement be concluded with the host government regarding the use and transfer of information furnished in connection with training under the International Military Education and Training (IMET) program before the host country may be considered eligible for IMET training related to defense articles. The text below is a standard agreement that emphasizes the protection of United States Government classified information received by foreign military students attending U.S. military schools. The agreement is not intended in any way to preclude the dissemination of any data received by IMET students to any and all elements of the student's government as it may direct.

In view of the planned departure in June of Major Blaise Funsani, Executive Officer, 2nd Battalion, to the United States Army Command and General Staff College, the Embassy would appreciate the Ministry's assistance in concluding this agreement as soon as possible.

The provisions of United States law in question prohibit the furnishing of IMET training related to defense articles unless the recipient country shall have first agreed to observe certain conditions with respect to such training. These conditions are:

1. That the recipient government will not, without the consent of the United States Government:
 - A. Permit any use of such training (including training materials) by anyone not an officer, employee, or agent of the recipient government;
 - B. Transfer or permit any officer to transfer such training (including training materials) by gift, sale, or otherwise to anyone not an officer, employee, or agent of the recipient government; or
 - C. Use or permit the use of such training (including training materials) for purposes other than those for which furnished by the United States Government;
2. That the recipient country will maintain the security of such training (including training materials) and will provide substantially the same degree of security protection afforded to such training and materials by the United States Government;
3. That the recipient country 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 training (including training materials); and

¹ Came into force on 1 May 1980, the date of the note in reply, in accordance with the provisions of the said notes.

4. That the recipient country will return to the United States Government such training (including training materials) as is no longer needed for the purposes for which furnished, unless the United States Government consents to some other disposition.

Inasmuch as the IMET program with the Armed Forces of the Government of Malawi may include training related to defense articles with respect to which the agreement of the Government of Malawi to observe the foregoing conditions is required, the Embassy of the United States of America has the honor to propose that this note, together with the note in reply of the Ministry of External Affairs stating that such conditions are acceptable to the Government of Malawi, shall constitute an agreement between the two 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 External Affairs of the Republic of Malawi the assurances of its highest consideration.

Lilongwe, March 20, 1980

Embassy of the United States of America

II

Note No. 29

The Ministry of External Affairs of the Republic of Malawi presents its compliments to the Embassy of the United States of America and has the honour to refer to the latter's Note No. 038 dated March 20, 1980, concerning a proposal for the conclusion of a bilateral agreement between the Government of the Republic of Malawi and the Government of the United States of America regarding the use and transfer of information furnished in connection with training under the International Military Education and Training (IMET) Programme.

The Ministry is pleased to inform the Embassy that the conditions stated in the Embassy's Note No. 038 dated March 20, 1980, are acceptable to the Government of the Republic of Malawi. The Ministry also wishes to advise that the Government of the Republic of Malawi accepts the Embassy's proposal that this Note and the Embassy's Note No. 038 dated March 20, 1980, should constitute the aforesaid bilateral agreement between the Government of the Republic of Malawi and the Government of the United States of America.

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

Lilongwe, 1st May, 1980

Embassy of the United States of America
Lilongwe