

No. 50910

**United States of America
and
Kenya**

Exchange of notes constituting an agreement between the United States of America and the Republic of Kenya regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services from the United States of America to the Government of the Republic of Kenya. Nairobi, 28 July 2000 and 23 August 2000

Entry into force: *23 August 2000 by the exchange of the said notes, in accordance with their provisions*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

**États-Unis d'Amérique
et
Kenya**

Échange de notes constituant un accord entre les États-Unis d'Amérique et la République du Kenya relatif aux dons en vertu de la loi sur l'aide à l'étranger de 1961, telle que modifiée, ou de toute autre loi qui la remplace, et la fourniture d'articles de défense, de formation connexe et d'autres services de défense fournis par les États-Unis d'Amérique au Gouvernement de la République du Kenya. Nairobi, 28 juillet 2000 et 23 août 2000

Entrée en vigueur : *23 août 2000 par l'échange desdites notes, conformément à leurs dispositions*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

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**EMBASSY OF THE
UNITED STATES OF AMERICA**

No. 662

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and International Co-operation of the Government of Kenya and has the honor to refer to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services from the United States of America to the Government of Kenya.

In accordance with these discussions, it is proposed that the Government of Kenya agree that unless the consent of the Government of the United States of America has been first obtained, the Government of Kenya shall not:

permit any use of any such defense article or related training or other defense service by anyone not an officer, employee or agent of the Government

transfer or permit any officer, employee or agent of the Government of Kenya to transfer such articles or related training or other defense services by gift, sale or otherwise; or

use or permit the use of such articles or related training or other defense services for purposes other than those for which provided;

that said articles or related training or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

that the net proceeds of sale received by the Government of Kenya in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

that the Government of Kenya shall maintain the security of such articles, related training, and other defense services; that it shall provide substantially the same degree of security protection afforded to such articles or training or other defense services by the Government of the United States of America; that it shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of Kenya; and that the Government of the United States of America may also from time to time make the provision of other defense articles, related training and other defense services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

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 two governments, which shall enter into force on the date of the Ministry's reply.

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

Embassy of the United States of America.

Nairobi, July 28, 2000