

No. 06/120

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Democratic Republic of Congo and has the honor to refer to earlier discussions between representatives of the two Governments regarding the provision of defense articles, related training, and other defense services on a grant basis pursuant to the Foreign Assistance Act of 1961, as amended, or successor legislation, and to the provision of articles and services, including training and training materials, pursuant to the International Military Education and Training (IMET) program and the Peacekeeping Operations (PKO) program. In this regard the Embassy refers to the Agreement concerning the provision of training related to defense articles under the United States International Military Education and Training (IMET) Program, effected by exchange of notes at Kinshasa on December 22, 1983 and June 16, 1984 (the 1984 Agreement).

In accordance with these discussions, it is proposed that the Government of the Democratic Republic of Congo agree:

- A. That unless the consent of the Government of the United States of America has been first obtained the Government of the Democratic Republic of Congo shall not:
- (I) Permit any use of such defense articles, related training, other defense services, other articles, and other services (hereinafter "articles and services") by anyone not an officer, employee or agent of the Government of the Democratic Republic of Congo;
  - (II) Transfer, or permit any officer, employee or agent of the Government of the Democratic Republic of Congo to transfer, such articles and services by gift, sale or otherwise; or
  - (III) Use, or permit the use of, such articles and services for purposes other than those for which provided;
- B. That such articles and services shall be returned to the Government of the United States of America when no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;
- C. That the net proceeds of sale received by the Government of the Democratic Republic of Congo in disposing of, with prior written consent of the Government of the United States of

America, any such articles and services furnished by the Government of the United States of America on a grant basis, including scrap from any related equipment and training materials, shall be paid to the Government of the United States of America;

- D. That the Government of the Democratic Republic of Congo shall maintain the security of such articles and services; that it shall provide substantially the same degree of security protection afforded to such articles and services by the Government of the United States of America; that it shall, as the United States of America 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 the Democratic Republic of Congo; and
- E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (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 note stating that the foregoing is acceptable to the Government of the Democratic Republic of Congo shall, together with this note, constitute an agreement between the two Governments, which shall supersede the 1984 Agreement in its entirety and shall enter into force on the date of the Ministry's note.

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

Embassy of the United States of America,

Kinshasa, June 5, 2006.





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Translation

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Democratic Republic of Congo  
Ministry of Foreign Affairs and International Cooperation

No. 130/01/ASS/NKL/4019/2006

The Ministry of Foreign Affairs and International Cooperation of the Democratic Republic of Congo presents its compliments to the Embassy of the United States of America at Kinshasa and has the honor to acknowledge receipt of Embassy note No. 06/120 dated June 5, 2005, which reads as follows:

[ See U.S. Text]

The Ministry of Foreign Affairs and International Cooperation of the Democratic Republic of Congo has the honor to confirm that the proposals set forth in the Embassy's note are acceptable to the Government of the Democratic Republic of Congo and that the Embassy's note, together with this note in response, shall constitute an

Embassy of the United States of America,  
Kinshasa.

agreement between the two governments, which shall replace the Agreement on the provision of training related to defense articles under the United States International Military Education and Training (IMET) Program, effected by exchange of notes at Kinshasa on December 22, 1983, and June 16, 1984, and shall enter into force on this date.

[Complimentary clause]

Done at Kinshasa, October 11, 2006

[Initialed]

[Illegible stamp]