

NO. 033

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Burkina Faso and has the honor to refer to discussions regarding participation in the African Contingency Operations Training and Assistance (ACOTA) program. The Government of the United States of America warmly welcomes the decision by the Government of Burkina Faso to participate in the ACOTA program by committing Burkina Faso Defense Forces (FABF) efforts to this growing international program and looks forward to the many opportunities for continued cooperation to enhance African peace support operations capacity in the months and years ahead. By becoming an ACOTA partner, Burkina Faso stands with a group of distinguished African nations committed to improving collective African capacity to prevent, manage, and resolve crises on the continent. The Government of the United States of America and our ACOTA partners believe the way ahead should be based upon the principles of long-term and sustained capacity enhancement, legitimacy, openness,

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and transparency. Every aspect of this program's commitment to African stability and security is founded on these principles.

The Embassy of the United States of America refers 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, including training materials, and other defense services, including pursuant to the United States International Military and Education Training Program, from the United States of America to the Government of Burkina Faso. In this regard, the Embassy refers to the Agreement concerning the provision of training related to defense articles under the United States International Military and Education Training (IMET) Program, effected by exchange of notes at Ouagadougou on February 20 and August 26, 1986.

In accordance with these discussions, it is proposed that the Government of Burkina Faso agree:

A. That unless the consent of the Government of the United States of America has been first obtained the Government of Burkina Faso shall not:

(I) Permit any use of such defense articles, related

training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of Burkina Faso;

(II) Transfer, or permit any officer, employee or agent of the Government of Burkina Faso to transfer such defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

B. That such defense articles, related training, including training materials, or other 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;

C. That the net proceeds of sale received by the Government of Burkina Faso in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the 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;

D. That the Government of Burkina Faso shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, or other defense 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 Burkina Faso; and

E. That the Government of the United States of America may also, from time to time, make the provision of articles or 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.)

It is further proposed that the Government of Burkina Faso agree that articles and services provided pursuant to

the ACOTA program shall be subject to the terms and conditions of the agreement proposed herein.

The Ministry of Foreign Affairs' note stating that the foregoing is acceptable to the Government of Burkina Faso shall, together with this note, constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note and shall supersede the aforementioned 1986 agreement in its entirety.

The U.S Embassy would like to take the opportunity to renew to the Ministry of Foreign Affairs and Regional Cooperation of Burkina Faso the assurances of its highest consideration.

Embassy of United States of America,
Ouagadougou, June 23, 2006





Translation

[Burkina Faso]

No. 2006 3125/MAET/CR/SG/DAM/SAN

The Ministry of Foreign Affairs and Regional Cooperation of Burkina Faso presents its compliments to the Embassy of the United States of America at Ouagadougou and, referring to its note verbale No. 033 of June 23, 2006, has the honor to confirm to the Embassy that the Government of Burkina Faso agrees with the proposals put forward in said note.

The above-mentioned note from the Embassy and this note in reply shall constitute an Agreement between the Governments of Burkina Faso and the United States of America, which shall enter into force today and rescind the provisions of the 1986 Agreement.

The Ministry of Foreign Affairs and Regional Cooperation of Burkina Faso thanks the Embassy of the United States of America at Ouagadougou for its helpful cooperation in this matter and [complimentary close].

Ouagadougou, August 29, 2006

[Ministry stamp]

Embassy of the United States of America,
Ouagadougou.