

No. 129

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Kyrgyz Republic 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 the furnishing of defense articles, related training, and other defense services, including pursuant the International Military Education and Training Program, from the United States of America to the Government of the Kyrgyz Republic. 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 through an exchange of notes at Bishkek on February 7 and 25, 1994.

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

A. That, unless the consent of the Government of the United States of America has been first obtained, the Government of the Kyrgyz Republic 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 the Kyrgyz Republic;

(II) Transfer, or permit any officer, employee, or agent of the Government of the Kyrgyz Republic 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 the Kyrgyz Republic 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 the Kyrgyz Republic 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 Government of 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 Kyrgyz Republic; 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 of Foreign Affairs' note stating that the foregoing is acceptable to the Government of the Kyrgyz Republic 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 in its entirety the aforementioned Agreement concerning the provision of training related to defense articles under the United States International Military Education and Training (IMET) Program.

We propose that this agreement would enter into force through exchange of diplomatic notes.

The Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kyrgyz Republic the assurances of its highest consideration.

Embassy of the United States of America,
Bishkek, April 11, 2008



U.S. Department of State
Office of Language Services
Translating Division



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TRANSLATION

[Seal of the Kyrgyz Republic]

MINISTRY OF FOREIGN AFFAIRS
OF THE KYRGYZ REPUBLIC [in Kyrgyz]

MINISTRY OF FOREIGN AFFAIRS
OF THE KYRGYZ REPUBLIC [in English]

No. 011-15/2178

The Ministry of Foreign Affairs of the Kyrgyz Republic presents its compliments to the Embassy of the United States of America in the Kyrgyz Republic and has the honor to confirm receipt of the Embassy's diplomatic note No. 129 of April 11, 2008, which reads as follows:

“See U.S. Note”

In this regard, the Ministry of Foreign Affairs of the Kyrgyz Republic has the honor to inform the Embassy of the United States of America in the Kyrgyz Republic that the Government of the Kyrgyz Republic consents to the proposals set forth in the note of the Embassy of the United States of America and to affirm that the note of the Embassy of the United States of America and this reply constitute an Agreement between the Government of the Kyrgyz Republic and the U.S. Government, which shall enter into force on the date this note is transmitted by the Ministry of Foreign Affairs of the Kyrgyz Republic.

The Ministry of Foreign Affairs of the Kyrgyz Republic avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

Bishkek, November 13, 2008[Seal: Ministry of Foreign Affairs of the Kyrgyz Republic]