

No. 9196

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
KENYA**

**Exchange of letters constituting an agreement establishing a
British Training Team in Kenya to assist in the training
and development of the Armed Forces of Kenya (with
appendix). Nairobi, 14 July 1967**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
21 August 1968.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
KENYA**

**Échange de lettres constituant un accord créant un groupe
d'instructeurs britanniques au Kenya, chargés d'aider à
former et à développer les forces armées kényennes
(avec appendice). Nairobi, 14 juillet 1967**

Texte officiel anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
21 août 1968.*

No. 9196. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF KENYA ESTABLISHING A BRITISH TRAINING TEAM IN KENYA TO ASSIST IN THE TRAINING AND DEVELOPMENT OF THE ARMED FORCES OF KENYA. NAIROBI, 14 JULY 1967

I

*The United Kingdom High Commissioner at Nairobi
to the Minister for Defence of Kenya*

BRITISH HIGH COMMISSION

Nairobi, 14 July, 1967

Dear Dr. Mungai,

With reference to the request of the Government of Kenya to the Government of the United Kingdom of Great Britain and Northern Ireland that a British Training Team should be established in Kenya for the purpose of assisting in the training and development of the Armed Forces of Kenya, I have set out in the Appendix to this Letter the arrangements agreed in discussion in respect of the status and composition of such a Team.

I propose that if these arrangements are acceptable to the Government of Kenya this Letter, together with its Appendix and your reply to that effect, shall be regarded as constituting an Agreement between our two Governments in this matter which shall be deemed to have entered into force on the 12th Day of December, 1964.

Yours sincerely,

Edward PECK

¹ Came into force on 14 July 1967 by the exchange of the said letters with retroactive effect as from 14 December 1964, in accordance with their provisions.

APPENDIX

THE TRAINING TEAM AGREEMENT

INTERPRETATION

1. "The Status Agreement" means the Agreement relating to the status of forces of the United Kingdom in Kenya constituted by an Exchange of Letters between the Government of the United Kingdom and the Government of Kenya on the 14 July, 1967.¹

2. Except where the context otherwise requires, expressions in this Appendix shall have the meaning which they have for the purposes of the Status Agreement.

3. "Service Regulations" means any statute, order, regulation, warrant or instruction relating to the armed forces;

"other ranks" includes all members of the armed forces of the United Kingdom who do not hold commissioned rank;

"entitled dependant" means a dependant for whom under United Kingdom service regulations a free passage to or from Kenya is provided.

Section I

GENERAL

1. The Government of the United Kingdom will endeavour to obtain volunteers from the regular Armed Forces of the United Kingdom to form a Training Team (referred to in this Appendix as "the Training Team") to assist in the training and development of the Armed Forces of Kenya. The composition of the Training Team shall be such as may from time to time be agreed between the Government of Kenya and the Government of the United Kingdom. Initially the team will be concerned only in the training and development of the Army of Kenya and will accordingly consist of volunteers from the land forces of the United Kingdom. If members of the naval or air forces of the United Kingdom are included by agreement in the Training Team this Appendix shall apply to such members with such modifications as shall be agreed.

2. (a) The function of the Training Team is to assist the Commanders of the land, air and sea forces of Kenya in the discharge of their responsibility for the training and development of those forces.

(b) The way in which the Training Team carries out this function shall be arranged between the Commanders of the land, air or sea forces of Kenya as appropriate or of senior officers appointed by them for the purpose, and the Commanding Officer of the Training Team (or of the appropriate branch of the Training Team) it being the responsibility of such Commanding Officer to afford all reasonable assistance in training and developing the Kenya Armed Forces to the extent of the establishment and equipment of the Training Team.

(c) The responsibility of the Commanding Officer of the Training Team for the command, efficiency and administration of the Training Team is to the Government

¹ See p. 232 of this volume.

of the United Kingdom through his service superiors, and accordingly except where otherwise provided by this Appendix or except as may be otherwise arranged, in the event of the Government of Kenya or an authority of that Government wishing to raise any matter relating to the Training Team the matter shall be raised through the diplomatic channel, and normally with the United Kingdom High Commission in Kenya.

3. Separate arrangements, satisfactory to both Governments, shall be made in relation to the bearing of the cost of the provision of the Training Team, the provision of facilities for the Training Team and of facilities and benefits for its members.

4. The following provisions shall apply in regard to the relationship of the Training Team to the Armed Forces of Kenya :

(a) Members of the Training Team shall be treated except in so far as this Appendix otherwise provides as members of the Armed Forces of Kenya of equivalent rank.

(b) Members of the Training Team will not normally be given executive responsibility in the Armed Forces of Kenya. However, where in the course of his duties as a member of the Training Team an officer or other rank is given such a responsibility, he will have powers of command over any member of the Armed Forces of Kenya as if he were a member of the Armed Forces of Kenya of relative rank, and will be required to obey orders or instructions of superior officers under whose command he is placed, provided that such orders or instructions are not inconsistent with his duties under United Kingdom Service Regulations, and would if given by anyone subject to those Regulations constitute a lawful command under those Regulations.

(c) Members of the Training Team who are filling executive positions in the Establishment of Armed Forces of Kenya under this paragraph will retain the right of direct access to the Commanding Officer of the Training Team.

(d) Members of the Training Team shall remain for all purposes members of the Armed Forces of the United Kingdom and under United Kingdom command and shall accordingly not be subject to the Service Regulations of Kenya or any arrest or detention thereunder nor to the jurisdiction of any authority, court or tribunal deriving its constitution or powers under the Service Regulations of Kenya.

(e) Members of the Training Team will not take part in hostilities or other operations of warlike nature undertaken by the Armed Forces of Kenya nor, without the consent of the Government of the United Kingdom, in the operations of those forces which are concerned with the preservation of peace, with internal security or with the enforcement of law and order.

(f) Members of the Training Team will not be employed outside Kenya in training the Armed Forces of Kenya or in an executive capacity in the Armed Forces of Kenya except in pursuance of special arrangements made between the Government of Kenya and the Government of the United Kingdom.