

DEFENSE

**Agreement between the
UNITED STATES OF AMERICA
and AFGHANISTAN**

Effected by Exchange of Notes at
Kabul June 13, 2017 and June 25, 2018



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

AFGHANISTAN

Defense

*Agreement effected by exchange of notes at Kabul
June 13, 2017 and June 25, 2018;
Entered into force June 25, 2018.*

No. 17-1153

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Afghanistan and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961 or successor legislation, including International Military Education and Training (IMET); Peacekeeping Operations; the Afghanistan Security Forces Fund; the Arms Export Control Act; 10 U.S.C. § 333, and other Department of Defense authorities; and the furnishing on a grant basis of defense articles, related training, and other defense services, from the United States of America to the Government of the Islamic Republic of Afghanistan under such authorities.

In this regard, the Embassy has the honor to refer to the Agreement between the Government of the United States of America and the Afghanistan Interim Administration regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services and related training, including pursuant to the United States IMET

program, from the United States of America to the Afghanistan Interim Administration, effected by exchange of notes at Kabul on April 6 and 13, 2002 (2002 Agreement).

In connection with these discussions, the Embassy proposes that the Government of the Islamic Republic of Afghanistan agree:

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

(II) Transfer, or permit any officer, employee, or agent of the Government of the Islamic Republic of Afghanistan 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 Government of the Islamic Republic of Afghanistan 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 Islamic Republic of Afghanistan shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled

inspections, physical inventories, 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 Islamic Republic of Afghanistan; 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 subject to the terms and conditions of the agreement proposed herein.

If the foregoing proposals are acceptable to the Government of the Islamic Republic of Afghanistan, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs to that effect shall 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 2002 Agreement.

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

Embassy of the United States of America,

Kabul, June 13, 2017.





Islamic Republic of Afghanistan
MINISTRY of FOREIGN AFFAIRS

No: 548

Date: June 25th, 2018

Afghanistan Response Note to the U.S. Note No. 17-1153

The Ministry of Foreign Affairs of the Islamic Republic of Afghanistan presents its compliments to the esteemed Embassy of the United States of America in Kabul, references to the Ministry note No. 1207, dated February 14, 2018, and acknowledges receipt of the Embassy's Diplomatic Note No. 17-1153 dated June 13, 2017, which reads as follow:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Afghanistan and has the honor to refer to earlier discussions between representatives of the two Governments regarding the Foreign Assistance Act of 1961, as amended, or successor legislation, including International Military Education and Training (IMET); Peacekeeping Operations; the Afghanistan Security Forces Fund; the Arms Export Control Act; 10 U.S.C. 333, and other Department of Defense authorities; and the furnishing on a grant basis of defense articles, related training, and other defense services, from the United States of America to the Government of the Islamic Republic of Afghanistan under such authorities.

In this regard, the Embassy has the honor to refer to the Agreement between the Government of the United States of America and the Afghan Interim Administration regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services and related training, including pursuant to the United States IMET program, from the United States of America to the Afghanistan Interim Administration, effected by an exchange of notes at Kabul on April 6 and April 13, 2002 (2002 Agreement).

In connection with these discussions, the Embassy proposes that the Government of the Islamic Republic of Afghanistan agrees:

- A. That, unless the consent of the Government of the United States of America has been first obtained, the Government of the Islamic Republic of Afghanistan 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 Islamic Republic of Afghanistan;
 - (II) Transfer, or permit any officer, employee, or agent of the Government of the Islamic Republic of Afghanistan 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 Government of the Islamic Republic of Afghanistan 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 Islamic Republic of Afghanistan shall maintain the security of such defense articles, related training, including training materials, or other defense services; that it shall provide substantially the same degree of security protection as that afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation, scheduled inspections, physical inventories, 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 Islamic Republic of Afghanistan; 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 subject to the terms and conditions of the agreement proposed herein.

If the foregoing proposals are acceptable to the Government of the Islamic Republic of Afghanistan, the Embassy proposes that this note and a note from the Ministry of Foreign Affairs to that effect shall 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 2002 Agreement.

The Ministry of Foreign Affairs of the Government of the Islamic Republic of Afghanistan has the honor to confirm that the proposals set forth in the Embassy's note, quoted above, are acceptable to the Government of the Islamic Republic of Afghanistan and that the Embassy's note No. 17-1153 dated June 13, 2017 and this note in reply shall constitute an agreement between the two Governments which shall enter into force on the signed date and shall supersede in its entirety the aforementioned 2002 Agreement.

A handwritten signature in black ink is written over a faint, circular official stamp. The signature is cursive and appears to be "Abdul Wahid". The stamp is mostly illegible but contains some text around the perimeter.