

FOREIGN ASSISTANCE

**Agreement Between the
UNITED STATES OF AMERICA
and SUDAN**

Effected by Exchange of Notes at
Khartoum August 29, and
September 23 and 30, 2002



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.”

SUDAN

Foreign Assistance

*Agreement effected by exchange of notes at
Khartoum August 29 and
September 23 and 30, 2002;
Entered into force September 30, 2002.*

**EMBASSY OF THE
UNITED STATES OF AMERICA
Khartoum, Sudan**

EXEC/08/29/2002/403

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Sudan, and has the honor to refer to the Agreement between the Government of the Republic of Sudan and the Sudan People's Liberation Movement to Protect Non-Combatant Civilians and Civilian Facilities from Military Attack (hereinafter "the Agreement"). The Agreement provides for the establishment, with international involvement, of the Verification Mission (also known as the International Verification and Investigation Team). The Verification Mission is to be organized and to carry out its tasks in the manner described in the Agreement. The Agreement further provides that the Verification Mission and its personnel will be accorded privileges and immunities appropriate to their mission.

In this connection, the Embassy proposes the following provisions:

Subject to the fulfillment of domestic requirements, including the availability of appropriated funds, the Government of the United States may enter into arrangements with a contractor in order to establish and provide for the Verification Mission. With respect thereto, the following provisions shall apply:

(1) Any supplies, equipment, or other goods or services provided or utilized in connection with the Verification Mission may be imported into, used in, or exported from the Republic of Sudan free from any tariffs, dues, customs duties, import taxes, property taxes, or any other taxes or charges imposed in the Republic of Sudan. Any value-added tax (VAT) or other tax on supplies, equipment, or other goods or services acquired in the Republic of Sudan in connection with the verification mission shall be reimbursed.

(2) No taxes, duties, or charges shall be imposed in the Republic of Sudan upon any organization that is under contract with or financed by the Government of the United States in connection with the Verification Mission.

(3) All personnel who are not nationals of or ordinarily resident in the Republic of Sudan and who are present in the Republic of Sudan in connection with the Verification Mission, including personnel under contract with or financed by, or personnel of organizations under contract with or financed by, the Government of the United States, shall be exempt from:

(A) Income, social security, or any other taxes or charges imposed in the Republic of Sudan with respect to income received in connection with the Verification Mission, and

(B) Tariffs, dues, customs duties, import taxes, property taxes, or any other taxes or charges imposed in the Republic of Sudan with respect to household or other personal effects imported, into, used in, or exported from the Republic of Sudan for the personal use of such personnel.

(4) The Government of the Republic of Sudan shall facilitate the expeditious entry and exit of property and personnel in connection with the Verification Mission.

(5) As provided in the Agreement, the Government of the Republic of Sudan shall provide full cooperation with the Verification Mission and take all appropriate measures to ensure the safety of its personnel and facilitate its operation. The personnel of the Verification Mission shall be immune from the criminal, civil, and administrative jurisdiction of the Republic of Sudan in respect of all acts, including words spoken or written, performed by them in the course of their duties.

If the foregoing is acceptable to the Government of the Republic of Sudan, the Embassy proposes that this note, together with the Ministry's reply to the effect, shall constitute an agreement between the two governments which shall enter into force on the date of the Ministry's reply.

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



The Embassy of the United States of America
Khartoum, August 29, 2002



The Ministry of Foreign Affairs of the Republic of the Sudan present their compliments to the Embassy of the United States of America and with reference to the latter's note No. Exec/08-29/2002/403 dated August 29, 2002 have the honour to transmit hereby their reply to the same as follows:-

A- That the Government of the Republic of the Sudan reiterates its commitment to the Agreement reached with the Sudan Peoples Liberation Movement to protect Non-Combatant Civilians and Civilian Facilities from Military Attack, and would like to refer in particular to Article 2.2 (d) of the Agreement which reads,
((The Mission { i.e. Verification Mission} and its personnel will be accorded privileges and immunities appropriate to their mission)).

B- In implementation of the said provision of article 2.2(d), the Government of the Republic of the Sudan, agrees that the following privileges and immunities are particularly accorded to the Verification Mission and its personnel,

(1) Any supplies, equipment, or other goods or services provided or utilized in connection with the Verification Mission may be imported into, used in, or exported from the Republic of the Sudan free from any tariffs, dues, customs duties, import taxes, property taxes, or any other taxes or charges imposed in the Republic of Sudan. Any value added tax (VAT) or, other tax on

supplies, equipment, or other goods or services acquired in the Republic of Sudan in connection with the Verification Mission shall be reimbursed.

(2) All personnel of the Verification Mission who are not nationals of or ordinarily resident in the Republic of Sudan and who are present in the Republic of Sudan in connection with the mission, shall be exempted from:-

(a) Income, social security, or any other taxes or charges imposed in the Republic of Sudan with respect to income received in connection with the Verification Mission, and

(b) Tariffs, dues, customs duties, import taxes, property taxes, or any other taxes or charges imposed in the Republic of Sudan with respect to household or other personal effects imported, into, used in, or exported from the Republic of Sudan for the personal use of such personnel, provided that such household, personal effects or other goods are not imported in commercial quantities and provided that they may not be sold or otherwise disposed of in the Sudan except in the conditions laid down by the Government of the Sudan.

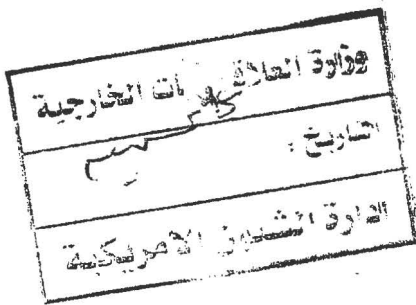
(3) The Government of the Republic of Sudan shall facilitate the expeditious entry and exit of property and personnel in connection with the Verification Mission.

(4) As provided in the Agreement, the Government of the Republic of Sudan shall provide full cooperation with the Verification Mission and take all appropriate measures to ensure the safety of its personnel and facilitate its operation. The personnel of the Verification Mission shall be immune from the criminal, civil, and administrative jurisdiction of the Republic of Sudan in respect of all acts, including words spoken or written, performed by them in the course of their duties.

(5) Charges levied for specific services rendered are not exempted from duties and /or taxes on them.

C- The premises and facilities used or utilized by the Verification Mission may not be put to any purpose other than their proper, agreed and recognized function.

The Ministry of Foreign Affairs of the Republic of the Sudan, while availing themselves of this opportunity to renew to the Embassy of the United States of America the assurances of their highest consideration, would likewise be happy to propose to the esteemed Embassy that if this reply is acceptable to the latter, it shall constitute, on receipt of the acceptance, an agreement between the two governments.



Date: 23/September 2002.

EMBASSY OF THE
UNITED STATES OF AMERICA
Khartoum, Sudan

EXEC/09/30/2002/445

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Sudan, and has the honor to communicate the following message:

The Embassy of the United States is in agreement on all points of the September 23 diplomatic note from the Ministry of Foreign Affairs concerning the Civilian Protection Monitoring Team (CPMT).

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

The Embassy of the United States of America
Khartoum, September 30, 2002

