

Joint Statement—Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan

May 2, 2012

I. PREAMBLE

The Islamic Republic of Afghanistan ("Afghanistan") and the United States of America ("United States") have partnered closely since 2001 to respond to threats to international peace and security and help the Afghan people chart a secure, democratic, and prosperous future. As a result, Afghanistan is now on a path towards sustainable self-reliance in security, governance, economic and social development, and constructive partnership at the regional level.

The Parties express their appreciation for the November 2011 Traditional Loya Jirga, which declared: "Emphasizing the need to preserve the achievements of the past ten years, respect the Afghan Constitution, women's rights, freedom of speech, and taking into consideration the prevailing situation in the region, strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic and military security of the country. Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance . . . When signing this document Afghanistan and the United States must be considered as two sovereign and equal countries", in accordance with the Charter of the United Nations.

Emphasizing their shared determination to further advance the Afghan people's desire for a stable and independent Afghan state, governed on the basis of Afghanistan's Constitution and shared democratic values, including respect for the fundamental rights and freedoms of all men and women, Afghanistan and the United States ("the Parties") commit to strengthen long-term strategic cooperation in areas of mutual interest, including: advancing peace, security, and reconciliation; strengthening state institutions; supporting Afghanistan's long-term economic and social development; and encouraging regional cooperation. Recognizing the continued relevance of their commitments at the 2010 London and Kabul Conferences, as well as the 2011 Bonn Conference, the Parties affirm their resolve to strengthen Afghanistan's institutions and governance capacity to advance such areas of long-term strategic cooperation.

Cooperation between Afghanistan and the United States is based on mutual respect and shared interests—most notably, a common desire for peace and to strengthen collective efforts to achieve a region that is economically integrated, and no longer a safe haven for al-Qaeda and its affiliates.

Afghanistan and the United States go forward in this partnership with confidence because they are committed to seeking a future of justice, peace, security, and opportunity for the Afghan people.

Respect for the sovereignty and equality of states constitutes the foundation of this partnership.

Respect for the rule of law, as well as the sound and transparent adherence to Afghanistan's Constitution and all other operative laws, reinforces its foundation. The Parties

reaffirm their strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan.

Accordingly, the Parties agree to the following:

II. PROTECTING AND PROMOTING SHARED DEMOCRATIC VALUES

1. The Parties agree that a strong commitment to protecting and promoting democratic values and human rights is a fundamental aspect of their long-term partnership and cooperation.

2. Underscoring the central importance of the values and principles of the Afghan Constitution, Afghanistan reaffirms its strong commitment to inclusive and pluralistic democratic governance, including free, fair, and transparent elections in which all the people of Afghanistan participate freely without internal or external interference. Reaffirming its commitments made at the 2011 Bonn Conference, Afghanistan shall strengthen and improve its electoral process.

3. Afghanistan reaffirms its commitment to protecting human and political rights under its Constitution and international obligations, including the International Covenant on Civil and Political Rights. In this regard, Afghanistan shall strengthen the integrity and capacity of its democratic institutions and processes, including by taking tangible steps to further the efficiency and effectiveness of its three branches of state, within its unitary system of government, and supporting development of a vibrant civil society, including a free and open media.

4. Afghanistan reaffirms its commitment to ensuring that any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden, and ensuring the rights and freedoms that are guaranteed to all Afghans under Afghan law and the Afghan Constitution. Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so that they may fully enjoy their economic, social, political, civil and cultural rights.

III. ADVANCING LONG-TERM SECURITY

1. The Parties reaffirm that the presence and operations of the U.S. forces in Afghanistan since 2001 are aimed at defeating al-Qaeda and its affiliates. The Parties acknowledge the great sacrifices and suffering that the Afghan people have endured in the struggle against terrorism and the continued threats to their desire for peace, security and prosperity. The Parties also pay tribute to the sacrifices made by the people of the United States in this struggle.

2. In order to strengthen security and stability in Afghanistan, contribute to regional and international peace and stability, combat al-Qaeda and its affiliates, and enhance the ability of Afghanistan to deter threats against its sovereignty, security, and territorial integrity, the Parties shall continue to foster close cooperation concerning defense and security arrangements, as may be mutually determined.

a. The Parties' respective obligations under this Agreement, and any subsequent arrangements, are without prejudice to Afghan sovereignty over its territory, and each Party's right of self-defense, consistent with international law.

b. The Parties shall, subject to their internal procedures, initiate negotiations on a Bilateral Security Agreement. Negotiations should begin after the signing of this Strategic Partnership Agreement, with the goal of concluding within one year a

Bilateral Security Agreement to supersede the *Agreement regarding the Status of United States Military and Civilian Personnel of the U.S. Department of Defense Present in Afghanistan in connection with Cooperative Efforts in Response to Terrorism, Humanitarian, and Civic Assistance, Military Training and Exercises, and Other Activities* (2003), and other such related agreements and understandings that are mutually determined to be contrary to the provisions of the Bilateral Security Agreement.

c. The conduct of ongoing military operations shall continue under existing frameworks, which include the *Memorandum of Understanding on the Transfer of U.S. Detention Facilities* (2012) and the *Memorandum of Understanding on the Afghanization of Special Operations* (2012), until superseded by the Bilateral Security Agreement or other arrangements, as mutually determined. This obligation is without prejudice to the status, commitments, and understandings of those frameworks, until superseded as noted above.

3. To help provide a long-term framework for mutual security and defense cooperation, the United States shall designate Afghanistan a "Major Non-NATO Ally."

4. The Parties underscore their strong support for Afghan efforts towards peace and reconciliation.

a. The necessary outcomes of any peace and reconciliation process are for individuals and entities to: break ties with al-Qaeda; renounce violence; and abide by the Afghan Constitution, including its protections for all Afghan women and men.

b. Afghanistan affirms that in all state actions and understandings with regard to peace and reconciliation, it shall uphold the values of the Afghan Constitution.

5. Beyond 2014, the United States shall seek funds, on a yearly basis, to support the training, equipping, advising, and sustaining of the Afghan National Security Forces (ANSF), so that Afghanistan can independently secure and defend itself against internal and external threats, and help ensure that terrorists never again encroach on Afghan soil and threaten Afghanistan, the region, and the world.

a. Such support should: (1) help build appropriate capabilities reflecting the evolving nature of mutually-recognized threats to Afghan stability; (2) support efforts to help the Afghan State attain a sustainable security structure; and (3) strengthen the capacity of security institutions of Afghanistan.

b. A U.S.-Afghanistan Working Group on Defense and Security, established under the framework of this Agreement, shall undertake regular assessments of the level of threat facing Afghanistan, as well as the country's security and defense requirements, and make specific recommendations about future cooperation in this field to the Bilateral Commission.

c. Assistance to the ANSF should have the goal of being consistent with NATO standards and promote interoperability with NATO forces.

d. The Parties further call on NATO member states to sustain and improve Afghan security capabilities beyond 2014, by taking concrete measures to implement the *Declaration by NATO and the Government of the Islamic Republic of Afghanistan on an Enduring Partnership* concluded at the November 2010 NATO Lisbon Summit.

6. Afghanistan shall provide U.S. forces continued access to and use of Afghan facilities through 2014, and beyond as may be agreed in the Bilateral Security Agreement, for the purposes of combating al-Qaeda and its affiliates, training the Afghan National Security Forces, and other mutually determined missions to advance shared security interests.

a. The United States emphasizes its full respect for the sovereignty and independence of Afghanistan. It reaffirms its commitment to the *Inteqal* framework, and a transition to full Afghan security responsibility. It further reaffirms that it does not seek permanent military facilities in Afghanistan, or a presence that is a threat to Afghanistan's neighbors.

b. The United States further pledges not to use Afghan territory or facilities as a launching point for attacks against other countries.

c. The nature and scope of the future presence and operations of U.S. forces in Afghanistan, and the related obligations of Afghanistan and the United States, shall be addressed in the Bilateral Security Agreement.

7. The Parties shall enhance information and intelligence sharing to counter common threats, including terrorism, narcotics trafficking, organized crime, and money laundering.

8. The Parties also underscore their support to improve regional security cooperation and coordination. The Parties affirm that the production, trafficking, and consumption of illicit narcotics poses a major threat to ensuring security and the formation of a licit Afghan economy, as well as to regional security and a healthy world. They are determined to cooperate in Afghanistan, the region, and the world to eliminate this threat.

9. Recognizing that the stability of Afghanistan would contribute to the development and stability of South-Central Asia, the United States affirms that it shall regard with grave concern any external aggression against Afghanistan. Were this to occur, the Parties shall hold consultations on an urgent basis to develop and implement an appropriate response, including, as may be mutually determined, political, diplomatic, economic, or military measures, in accordance with their respective constitutional procedures.

IV. REINFORCING REGIONAL SECURITY AND COOPERATION

1. The Parties agree on the importance of Afghanistan having cooperative and friendly relations with its neighbors, and emphasize that such relations should be conducted on the basis of mutual respect, non-interference, and equality. They call on all nations to respect Afghanistan's sovereignty and territorial integrity, and to refrain from interfering in Afghanistan's internal affairs and democratic processes.

2. With a view to the importance of regional cooperation for the consolidation of security in the region, the Parties shall undertake earnest cooperation with the countries of the region, regional organizations, the United Nations, and other international organizations on mutually recognized threats, including: terrorist networks; organized crime; narcotics trafficking; and money laundering.

3. To enhance regional stability and prosperity, the Parties shall further cooperate in restoring Afghanistan's historic role as a bridge connecting Central and South Asia and the Middle East by:

a. building on and facilitating implementation of existing and future regional initiatives, including transit and trade agreements;

- b. strengthening border coordination and management between Afghanistan and its neighbors;
- c. expanding linkages to regional transportation, transit, and energy networks through the realization of projects, including infrastructure, throughout Afghanistan; and
- d. mobilizing international support for regional investments that facilitate Afghanistan's integration with the region.

V. SOCIAL AND ECONOMIC DEVELOPMENT

1. The Parties agree that developing Afghanistan's human and natural resources is crucial to regional stability, sustainable economic growth, and Afghanistan's recovery from more than three decades of war and that Afghanistan will have special, significant and continuing fiscal requirements that cannot be met by domestic revenues in the years following Transition. In this regard, the United States reaffirms its commitment made at the 2011 Bonn Conference to directing financial support, consistent with the Kabul Process, towards Afghanistan's economic development, helping Afghanistan address its continuing budget shortfall to secure the gains of the last decade, make Transition irreversible, and become self-sustaining.

2. In the economic sphere:

- a. The Parties shall pursue consolidation and growth of a market economy, and long-term cooperation for Afghanistan's sustainable economic growth, taking into consideration Afghanistan's Constitution, as well as its historical and social realities.
- b. Noting Afghanistan's priorities, the United States shall help strengthen Afghanistan's economic foundation and support sustainable development and self-sufficiency, particularly in the areas of: licit agricultural production; transportation, trade, transit, water, and energy infrastructure; fostering responsible management of natural resources; and building a strong financial system, which is needed to sustain private investment.
- c. To encourage trade and private sector development, the Parties shall undertake common efforts to increasingly use the Generalized System of Preferences. Further, to encourage investment, the United States intends to mobilize the Overseas Private Investment Corporation, U.S. Export-Import Bank, and U.S. Trade and Development Agency to encourage U.S. private sector activity in Afghanistan. Afghanistan shall augment its support for the development of its private sector through the relevant Afghan institutions.
- d. The Parties affirm their strong desire that the Afghan people should be the primary beneficiaries of Afghanistan's mineral wealth. The United States shall therefore support Afghanistan's efforts to govern its natural wealth through an accountable, efficient, effective and transparent framework that builds upon and surpasses international best practices.

3. In the social sphere, the Parties shall undertake sustainable joint efforts to help Afghanistan develop its human capacity through:

- a. access to and enhancing the quality of education, including higher education and vocational training in key areas for all Afghans; and
- b. access to basic health services and specialized care, including for women and children.

4. The Parties underscore the crucial importance of the fight against corruption.
 - a. The Parties shall fight decisively against all forms of corruption.
 - b. The Parties shall devise mechanisms to enhance aid effectiveness and avoid corruption through improved procurement practices, transparency, and accountability.
 - c. Afghanistan shall strengthen its anticorruption institutions, and revise and enforce its laws, as necessary, in accordance with its national and international obligations.
 - d. Afghanistan further shall safeguard and enhance the Afghan financial system by implementing recommendations from the Financial Action Task Force Asia Pacific Group (FATF/APG) regarding anti-money laundering and combating terrorist financing.
5. The United States and Afghanistan shall continue their cooperation to promote Afghanistan's development, including annual U.S. social and economic assistance to Afghanistan commensurate with the strategic importance of the U.S.-Afghan partnership.
 - a. To achieve this goal, the United States shall seek on a yearly basis, funding for social and economic assistance to Afghanistan. The United States also supports Afghanistan's efforts to encourage international investment and support for the Afghan private sector, which is crucial to developing a secure, prosperous, peaceful Afghanistan and region.
 - b. Building on its commitments at the 2010 Kabul and London Conferences ("the Conferences"), the United States reiterates its commitment to channel at least 50 percent of such economic and social assistance to Afghanistan through Afghan government budgetary mechanisms. The Parties shall periodically review this commitment, through the Afghanistan-United States Bilateral Commission, established under this Agreement, with the goal of increasing the percentage of assistance channeled through Afghan Government budgetary mechanisms beyond 2012.
 - c. The United States also reaffirms its 2010 Kabul Conference commitment to progressively align its development assistance behind Afghan National Priority Programs, as mutually determined by both Parties, with the goal of achieving 80 percent of alignment by the end of 2012. The United States agrees that any development assistance not aligned is to be fully transparent and consulted with the Government of Afghanistan.
 - d. These commitments are contingent upon the Afghan government establishing mechanisms and demonstrating agreed-upon progress to ensure financial transparency and accountability, increasing budget expenditures, improving revenue collection, enhancing public financial management systems, and other mutually determined measures of performance and progress, including those committed at the Conferences.
6. The Parties shall strengthen the long-standing relations between their people and civil societies through a range of efforts, including youth and women's initiatives, and cooperation between their universities and institutions of higher education.

7. The United States shall promote exchanges and related activities, which may include initiatives such as the Fulbright Program and International Visitor Leadership Program.

8. The Parties also shall cooperate to support Afghan cultural institutions, and preservation of cultural heritage.

VI. STRENGTHENING AFGHAN INSTITUTIONS AND GOVERNANCE

1. The Parties shall cooperate towards improving the human capacity of Afghanistan's crucial government institutions. U.S. assistance to Afghanistan should be based on the priorities of the Afghan Government and mutually identified needs.

2. Afghanistan shall improve governance by increasing the responsiveness, and transparency of Afghan executive, legislative, and judicial institutions so that they better meet the civil and economic needs of the Afghan people. It shall promote efficiency and accountability at all levels of the government, consistent with Afghan law, and ensure that they provide services according to fair and objectively applied procedures and consistent with national standards for minimum service delivery.

3. The United States shall support the Afghan Government in strengthening the capacity, self-reliance, and effectiveness of Afghan institutions and their ability to deliver basic services.

4. The Parties shall work cooperatively to eliminate "parallel structures," including Provincial Reconstruction Teams and District Stabilization Teams consistent with the *Integral* framework .

VII. IMPLEMENTING ARRANGEMENTS AND MECHANISMS

1. To advance cooperation and monitor progress towards implementing this Agreement, the Parties shall establish an Afghanistan-United States Bilateral Commission and associated implementation mechanisms.

a. The Commission shall be chaired by the respective foreign ministers of Afghanistan and the United States, or their designees, and meet semi-annually in Kabul and/ Washington on a rotational basis.

i. Preexisting bilateral forums, such as the Afghanistan-United States Bilateral Security Consultative Forum, shall be incorporated into the framework of this new structure.

b. A Joint Steering Committee shall guide and report to Ministers on the work of standing expert working groups formed to implement this Agreement.

i. These working groups shall be chaired by relevant ministers, or their designees, and are to constitute a forum for regular, senior-level consultations on issues of mutual concern. These issues include, but are not limited to, advancing long-term security, promoting social, democratic, and economic development, and strengthening Afghan institutions and governance.

c. The Joint Steering Committee should also convene regularly to assess common threats and discuss regional issues of mutual concern.

2. Through the Bilateral Commission, Parties should establish mutually determined levels of support and assistance.

3. Afghanistan and the United States may enter into further arrangements or agreements, as necessary and appropriate, to implement this Agreement, subject to the relevant laws and regulations of both Parties.

VIII. FINAL PROVISIONS

1. This Agreement shall enter into force when the Parties notify one another, through diplomatic channels, of the completion of their respective internal legal requirements necessary for the entry into force of this Agreement. It shall remain in force until the end of 2024. Upon mutual written agreement of the Parties, six months prior to the expiration of the Agreement, it may be renewed for a mutually agreed period. This Agreement may be amended or terminated by mutual written agreement of both Parties at any time, and either Party may provide written notice to the other of its intent to terminate this Agreement, which shall be effective one year after the date of such notification.

2. All actions taken under this Agreement shall be consistent with the Parties' respective commitments and obligations under international law. Cooperation under this Agreement is subject to the relevant laws and regulations of the respective Parties, including applicable appropriations laws.

3. Any disputes with respect to implementation of this Agreement shall be settled through diplomatic consultations between the Parties.

Signed in duplicate by the Presidents of the Islamic Republic of Afghanistan and the United States of America on this 2nd day of the month of May, in the year 2012, in the city of Kabul, in the Pashto, Dari and English languages, each text being equally authentic.

For the
United States of America:
BARACK OBAMA

For the
Islamic Republic of Afghanistan:
HAMID KARZAI

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