

DEFENSE

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

Effected by Exchange of Notes at
Kabul April 6 and 13, 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.”

AFGHANISTAN

Defense

*Agreement effected by exchange of notes at Kabul
April 6 and 13, 2002;
Entered into force April 13, 2002.*

No. 02-0142

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Afghanistan Interim Administration, and has the honor to refer to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related to defense articles under the United States' International Military and Education Training (IMET) Program, and other defense services from the United States of America to the Afghanistan Interim Administration.

In accordance with these discussions, it is proposed that the Afghanistan Interim Administration agree:

A. That unless the consent of the Government of the United States of America has been first obtained the Afghanistan Interim Administration shall not:

(I) Permit any use of such defense articles or related training including training materials or other defense service by anyone not an officer, employee, or agent of the Afghanistan Interim Administration;

(II) Transfer or permit any officer, employee, or agent of the Afghanistan Interim Administration to transfer such articles or related training including training materials or other defense services by gift, sale, or otherwise; or (III) use or permit the use of such articles or related training including training materials or defense services for purposes other than which provided;

B. That said articles or related training including training materials or 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 agrees to another disposition;

C. That the net proceeds of sale received by the Afghanistan Interim Administration 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, shall be paid to the Government of the United States of America;

D. That the Afghanistan Interim Administration shall maintain the security of such articles, related training including training materials, and other defense services; that it shall provide substantially the same degree of

security protection afforded to such articles or related training including training materials or other defense services by the Government of the United States of America; that it shall, as the United States 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 Afghanistan Interim Administration; and

E. That the Government of the United States of America may also from time to time make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (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.)

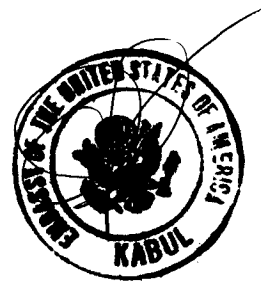
The Ministry of Foreign Affairs' note stating that the foregoing is acceptable to the Afghanistan Interim Administration shall, together with this note, constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of

Foreign Affairs of the Afghanistan Interim Administration
the assurances of its highest consideration.

Embassy of the United States of America,

Kabul, 6 April 2002.



شماره: ۱۴۲

تاریخ: ۱۳۸۱/۱۱/۲۴

اداره مؤقت افغانستان

وزارت امور خارجه

INTERIM GOVERNMENT OF AFGHANISTAN
MINISTRY OF FOREIGN AFFAIRS



Embassy of the United State of America
Kabul, Afghanistan.

Dear Mr. Ambassador,

The Ministry of Foreign Affairs of the Afghanistan Interim Administration hereby would like to acknowledge the receipt of the note 02-0142 forwarded to this ministry on April 6th 2002.

The Ministry of Foreign Affairs of the Afghanistan Interim Administration has the honor to confirm that, the proposals set forth in the Embassy's note are acceptable to the Government of the Afghanistan Interim Administration, and that the Embassy's note and this note in reply shall constitute an agreement between the two Governments which shall enter into force on this date.

Dr. Abdullah
Minister for Foreign Affairs
Interim Administration of Afghanistan
Kabul, Afghanistan

[Handwritten signature]

Date of note is April 13, 2002.