

**Military Surface Deployment and Distribution Command  
Carrier Advisory  
January 18, 2013  
CAR-13-01/18-0003**

**Subject:** Status of SDDC Carrier Freedom of Movement Request – Afghanistan

**Purpose:** To provide Universal Service Contract (USC) carriers of recent developments with Afghanistan Freedom of Movement request through the Afghan Attorney General's Office.

**Be Advised:** SDDC, International Security Assistance Force (ISAF) and United States Forces – Afghanistan (USFOR-A) worked together with the Afghanistan Ministry of Foreign Affairs and the Afghanistan Attorney General Office (AGO) to verify that ISAF, Defense Logistics Agency (DLA) and USFOR-A cargo are exempt from taxes, fines and penalties under Military Technical Agreement (MTA) (see enclosure 1) and Dip Note 202 (see enclosure 2). It was agreed that if contracting companies responsible for importing or exporting for ISAF, USFOR-A or DLA is under any kind of investigation or allegation, the Freedom of Movement for ISAF, USFOR-A and DLA cargo cannot be delayed or stopped in accordance with the MTA and Dip Note 202.

ISAF requested that the AGO instruct the Ministry of Finance and Afghan Customs Department to cooperate fully with the terms of the MTA and Dip Note 202, process all customs documents for ISAF, USFOR-A and DLA contractors and cease activity that inhibits the Freedom of Movement for related contractors, equipment and supplies. AGO did comply and their letter of instruction is currently at Afghanistan Customs Department (ACD).

**Attachments:** Enclosure 1 – ISAF Military Technical Agreement (MTA), dated 4 January 2002 (Section 3, para 7-9).

Enclosure 2 – Diplomatic Note 202, dated 26 September 2002

**SDDC POCs:** Dr. Philip-Franz Seitz, Foreign Policy Advisor to the Commander, (618) 220-4477, DSN 770-4477 or e-mail: [Philip.f.seitz.civ@mail.mil](mailto:Philip.f.seitz.civ@mail.mil)

**Expiration:** N/A

# **MILITARY TECHNICAL AGREEMENT**

**Between the International Security Assistance Force (ISAF) and the Interim Administration of Afghanistan ('Interim Administration') .**

## **Preamble**

Referring to the 'Agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions', signed in Bonn on 5 December 2001, ('Bonn Agreement'), The Interim Administration welcomes the provisions of United Nations Security Council Resolution (UNSCR) 1386.

The ISAF welcomes the Interim Administration's commitment in the Bonn Agreement to co-operate with the international community in the fight against terrorism, drugs and organised crime and to respect international law and maintain peaceful and friendly relations with neighbouring countries and the rest of the international community.

## **Article I: General Obligations**

1. The Interim Administration understands and agrees that the Bonn Agreement requires a major contribution on its part and will make strenuous efforts to co-operate with the ISAF and with the international organisations and agencies which are assisting it.
2. Interim Administration understands and agrees the Mission of the ISAF is to assist it in the maintenance of the security in the area of responsibility as defined below at Article I paragraph 4(g).
3. The Interim Administration agrees to provide the ISAF with any information relevant to the security and safety of the ISAF mission, its personnel, equipment and locations.

State without the express consent of the contributing nation. ISAF Forces will respect the laws and culture of Afghanistan.

## **SECTION 2 ENTRY INTO AND DEPARTURE FROM AFGHANISTAN**

5. The Interim Administration understands and agrees that the ISAF and supporting personnel, including associated liaison personnel, may enter and depart Afghanistan with military identification and with collective movement and travel orders.

6. The Interim Administration understands and agrees that the ISAF will have the unimpeded right to enter Afghan airspace without seeking prior diplomatic clearance.

## **SECTION 3 INDEMNIFICATION, CLAIMS AND LIABILITIES**

7. ISAF will be exempt from providing inventories or other routine customs documentation on personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering and exiting or transiting Afghanistan territory in support of the International Security Force. The Interim Administration will facilitate with all appropriate means all movements of personnel, vehicles, aircraft or supplies, airports or roads used. Vehicles, vessels and aircraft used in support of the mission will not be subject to licensing or registration requirements, nor commercial insurance. ISAF will use airports, roads without payment of duties, dues, tolls or charges. However, ISAF will not claim exemption from reasonable charges for services requested and received, but operations/movements and access will not be allowed to be impeded pending payment for such services.

8. ISAF will be exempt from taxation by the Interim Administration on the salaries and emoluments and on any income received from outside the Interim Administration.

9. ISAF and their tangible movable property imported into or acquired in Afghanistan will be exempt from all identifiable taxes by the Interim Administration.
10. The ISAF and its personnel will not be liable for any damages to civilian or government property caused by any activity in pursuit of the ISAF Mission. Claims for other damage or injury to Interim Administration personnel or property, or to private personnel or property will be submitted through Interim Administration to the ISAF.

#### **SECTION 4 FORCE SUPPORT**

11. The ISAF will be allowed to import and export free of duty or other restriction, equipment, provisions and supplies necessary for the mission, provided such goods are for official use of ISAF or for sale via commissioners or canteens provided for ISAF and supporting personnel, including associated liaison personnel. Goods sold will be solely for the use of ISAF and supporting personnel, including associated liaison personnel, and not transferable to other participants.
12. The ISAF will be allowed to operate its own internal mail and Telecommunications services, including broadcast services, free of charge..
13. The Interim Administration will provide free of cost, such facilities as the ISAF may need for the execution of the Mission. The Interim Administration will assist the ISAF in obtaining at the lowest rate, the necessary utilities such as electricity, water and other resources necessary for the Mission.
14. Nominated representatives of ISAF will be allowed to contract direct with suppliers for services and supplies in Afghanistan without payment of tax or duties. Such services and supplies will not be subject to sales or other taxes. ISAF Forces may hire local personnel who will remain subject to local laws and regulation. However, local personnel hired by ISAF will:

**Article X: Entry Into Force**

This agreement will enter into force upon signature by the Participants.

Signed by: the Minister Of Interior, QANOUNI	Signed By General McColl, COMISAF
	
On behalf of the Interim Administration of Afghanistan Dated 4.01.02	On behalf of the International Security Assistance Force Dated 4.01.02
Witnessed by BG DE Krutzer for Lt Gen PT Mikolashuk Coalition Forces Land Component Commander	For: LTG M. KOLA SUEK By: BG [Signature] 4 / 01 / 02.
Dated	(Empty space for date)



## **U.S. Dipnote 202 (eff. May 2003)**

---

---



- *“The Government of the United States of America, its military and civilian personnel, contractors and contractor personnel may import into, export out of, and use in the Republic of Afghanistan any personal property, equipment, supplies, materials, technology, training or services required to implement this agreement. Such importation, exportation and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes or any other charges assessed within Afghanistan. The governments of the United States of America and Afghanistan shall cooperate in taking such steps as shall be necessary to ensure the security of United States personnel and property in Afghanistan.”*