

DEFENSE

Cooperation

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

Effected by Exchange of Notes at
Monrovia April 15 and 20, 2005



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.”

LIBERIA

Defense: Cooperation

*Agreement effected by exchange of notes at
Monrovia April 15 and 20, 2005;
Entered into force April 20, 2005.*

No. 29/05

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Liberia and has the honor to refer to recent discussions between representatives of our two governments regarding issues related to United States military and civilian personnel (defined as members of the United States Armed Forces and employees of the United States Department of Defense, respectively, hereafter referred to collectively as United States personnel) and United States contractors (defined as non-Liberian companies and firms, and their employees, under contract to the United States government) who may be temporarily present in Liberia in connection with military training and exercises, humanitarian assistance and other activities as may be agreed upon by the two governments.

As a result of these discussions, the Embassy has the honor to propose that United States personnel be accorded the status equivalent to that accorded to administrative and technical staff of the Embassy of the United States under the Vienna Convention on Diplomatic Relations of April 18, 1961; that United States personnel may enter and exit Liberia with United States identification and with collective movement or individual travel orders; that Liberian authorities shall accept as valid, without a driving test or fee, driving licenses or permits issued by the appropriate United States authorities to United States personnel for the operation of vehicles.

The Embassy further proposes that United States personnel be authorized to wear uniforms while performing official duties and to carry arms while on duty if authorized to do so by their orders.

The Embassy further proposes the United States Armed Forces and United States personnel shall not be liable to pay any tax or similar charge assessed within Liberia and

DIPLOMATIC NOTE

that United States Armed Forces and United States personnel may import into, export out of, and use in Liberia any personal property, equipment, supplies, materials, technology, training or services for implementation of this agreement. Equipment imported under this agreement will be certified in writing for United States government use. Such importation, exportation and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes or any other charges assessed within Liberia.

The governments of the United States of America and Liberia shall cooperate to take such steps as necessary to ensure the Security of United States personnel and property in Liberia.

The Embassy proposes that vehicles, vessels, and aircraft owned or operated by or exclusively for the United States Armed Forces shall not be subject to the payment of landing or port fees, pilotage charges, navigation, overflight or parking charges, lighterage, overland transit tolls, and harbor dues, while in Liberia. However, United States Armed Forces shall pay reasonable charges for services requested and received at rates no less favorable than those paid by the Armed Forces of Liberia. Aircraft and vessels of the United States shall be free from inspection.

The United States Armed Forces may contract for any materials, supplies, equipment and services (including construction) to be furnished or undertaken in Liberia in implementation of this agreement without restriction as to choice of contractor, supplier or person who provides such services. Such contracts shall be solicited, awarded and administered in accordance with the laws and regulations of the government of the United States of America. Acquisition of articles and services in Liberia by or on behalf of the government of the United States of America in implementing this agreement shall not be subject to any taxes or similar charges in Liberia.

The Embassy further proposes United States contractors shall not be liable to pay any tax or similar charge assessed within Liberia and that such contractors may import into, export out of, and use in Liberia any personal property, equipment, supplies, materials,

technology, training or services associated with fulfillment of contracts with the United States in furtherance of this agreement. Such importation, exportation and use shall be exempt from any license, other restrictions, customs duties, taxes or any other charges assessed within Liberia. Items imported by United States contractors into Liberia under this agreement may be disposed of in Liberia, provided that disposition of such items to persons or entities not entitled to exemption from applicable taxes or duties under this agreement shall be subject to payment of such taxes and duties by such persons or entities.

The Embassy proposes that United States contractors shall be exempt from visa requirements for purposes of entry and exit into Liberia and granted the same treatment as United States personnel with respect to driver's licenses.

The government of Liberia recognizes the particular importance of disciplinary control by United States Armed Forces authorities over United States personnel and, therefore, authorizes the government of the United States to exercise criminal jurisdiction over United States personnel.

The Embassy proposes that United States personnel shall have freedom of movement, in accordance with United States force protection and security considerations, and access to and use of transportation, storage facilities and training facilities that may be required to implement this agreement.

The government of Liberia recognizes that it may be necessary for the United States Armed Forces to use the radio spectrum. The United States Armed Forces shall be allowed to operate their own telecommunication systems (as telecommunication is defined in the 1992 constitution of the International Telecommunication Union). This shall include the right to utilize such means and services as required to assure full ability to operate telecommunication systems, and the right to use all necessary radio spectrum for this purpose. Use of the radio spectrum shall be free of cost to the United States government.

Finally, the Embassy proposes that the parties waive any and all claims (other than contractual claims) against each other for damage to, loss or destruction of the other's property or injury or death to personnel of either party arising out of the performance of their official duties under this agreement. Claims by third parties for damages or loss caused by United States personnel shall be resolved by the United States government in accordance with United States laws and regulations.

If the foregoing is acceptable to the government of Liberia, the Embassy proposes that this note, together with the Ministry's reply to that 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 avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Liberia the assurance of its highest consideration.

Embassy of the United States of America
Monrovia, Liberia, April 15, 2005.





REPUBLIC OF LIBERIA
MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA

OFFICE OF THE MINISTER

NTGL / MFA / 0212 / 2-2 / '05

The Ministry of Foreign Affairs of the Republic of Liberia presents its compliments to the Embassy of the United States of America and has the honor to inform the latter that the National Transitional Government has endorsed the proposals relating to United States military and civilian personnel as well as its contractors who will be involved in the restructuring of the Armed Forces of Liberia (AFL).

The Ministry wishes to inform the Embassy of the United States of America that the proposals along with this note shall constitute an agreement between the two governments and shall enter into force on the date of this note.

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

Monrovia, April 20, 2005



The Embassy of the United States of America
Mamba Point
Monrovia, Liberia