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From: Coalition Provisional Authority (DMS)  
Sent: 15:30:25 12/05/2003  
To: 'SECDEF WASHINGTON DC'; 'SECSTATE WASHINGTON DC'; 'NATIONAL SECURITY COUNCIL WASHINGTON DC'  
Precedence: Immediate  
Cc: 'USMISSION US UN NEW YORK NY'  
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Subject: DRAFTING OF SECURITY AGREEMENT TO BEGIN  
Message Type: Other-Organizational  
Extended Auth: 12:30:00 12/05/2003 (UTC)  
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Security: This message has been digitally signed and encrypted

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MSGID/GENADMIN/CPA HQ/0330//  
SUBJ/DRAFTING OF SECURITY AGREEMENT TO BEGIN//  
GENTEXT/REMARKS/~~CONFIDENTIAL~~  
PROG: 5 DECEMBER 2003  
AUTHORIZED: PBREMER  
DRAFTED: OGC/(b)(6)  
CLEARED: (b)(3):10 USC §130b.(b)(6)

DISTRIBUTION

FROM: HEADQUARTERS COALITION PROVISIONAL AUTHORITY  
TO: SECDEF WASHDC  
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USUN FOR AMBASSADOR NEGROPONTE

~~CONFIDENTIAL~~ HQ CPA 0330  
E.O.: 12958: 12/04/13  
TAGS: PREL, PGOV, IZ  
SUBJECT: DRAFTING OF SECURITY AGREEMENT TO BEGIN

CLASSIFIED BY CPA EXECUTIVE SECRETARY (b)(6) FOR REASONS 1.5 (B AND D)

1. SUMMARY. BECAUSE COALITION FORCES WILL NEED TO REMAIN IN IRAQ AFTER THE CPA DISSOLVES, THE COALITION MUST NEGOTIATE INTERNATIONAL AGREEMENTS TO PROVIDE FOR ITS ROLE IN THE SECURITY OF IRAQ AFTER THE TRANSITIONAL IRAQI ADMINISTRATION ASSUMES FULL SOVEREIGNTY, AS PLANNED FOR JUNE 30, 2004. THE CPA, IN INFORMAL CONSULTATION WITH REPRESENTATIVES OF CENTCOM, HAS BEGUN ANALYZING KEY POLICY ISSUES, DEVELOPING A DRAFT AGREEMENT, AND FORMULATING A NEGOTIATING STRATEGY. IN ADDITION, A TENTATIVE SCHEDULE HAS BEEN DEVELOPED TO FACILITATE PLANNING AND COORDINATION WITHIN THE WASHINGTON INTERAGENCY COMMUNITY AND WITH THE COALITION CAPITALS. A NUMBER OF ISSUES WILL REQUIRE ADDITIONAL ATTENTION AS THE DRAFTING AND NEGOTIATING OF THE SECURITY ARRANGEMENT PROCEEDS. END SUMMARY.

--NOVEMBER 15TH AGREEMENT

2. THE NOVEMBER 15TH AGREEMENT BETWEEN THE CPA AND THE GOVERNING COUNCIL CALLED FOR "SECURITY AGREEMENTS TO COVER STATUS OF COALITION FORCES IN IRAQ, GIVING WIDE LATITUDE TO PROVIDE FOR THE SAFETY AND SECURITY OF THE IRAQI PEOPLE." THE NOVEMBER 15TH AGREEMENT PROVIDES THAT THESE AGREEMENTS SHOULD BE COMPLETE BY THE END OF MARCH 2004.

3. AGREEMENT, HOWEVER, DOES NOT FURTHER DESCRIBE THE CONTENT OF THE SECURITY AGREEMENTS. (b)(5)

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4. ~~(S)~~ THE CPA AND CENTCOM WOULD PROPOSE THE FOLLOWING TENTATIVE SCHEDULE, ACKNOWLEDGING THAT SOME DATES WILL NEED TO BE ADJUSTED:

MILESTONE -----	OPR -----	SUSPENSE -----
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(b)(5)

-SIGN AGREEMENT	CPA	31 MAR 04
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(b)(5)  
CONFIRMS

STRUCTURE  
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(b)(5)

(b)(5)

(b)(5)

(b)(5)

USE OF FACILITIES

(b)(1)

LOGISTIC SUPPORT

MILITARY AND SECURITY OPERATIONS

(b)(1),(b)(5)

(b)(5)

- \* U.S. MUST BE AUTHORIZED TO DETAIN, INTERN, AND INTERROGATE ANTI-COALITION AND SECURITY RISK PERSONNEL
- \* U.S. MUST BE AUTHORIZED TO RETAIN CUSTODY OF CURRENT POWS/DETAINEES/INTERNEES (SUBJECT TO THE NEEDS OF THE IRAQI SPECIAL BUNAL)
- \* U.S. MUST BE AUTHORIZED TO SEIZE AND RETAIN INTELLIGENCE-RELATED DOCUMENTS
- \* COALITION FORCES MUST HAVE UNLIMITED AUTHORITY TO CONDUCT MILITARY OPERATIONS THEY DEEM NECESSARY AND PROPER UNDER THE CIRCUMSTANCES

BEARING OF ARMS, UNIFORMS, FLAGS & MARKINGS

- \* U.S. FORCES MUST BE AUTHORIZED TO BEAR ARMS AND WEAR UNIFORMS
- \* DESIGNATED U.S. CONTRACTOR PERSONNEL MUST BE AUTHORIZED TO BEAR ARMS

UTILITIES AND COMMUNICATIONS

- \* U.S. FORCES MUST HAVE ACCESS TO UTILITIES AND ENJOY PRIORITY IN USE
- \* U.S. FORCES MUST BE AUTHORIZED TO USE ALL NECESSARY RADIO SPECTRUMS WITHOUT CHARGE

POSTAL AND RECREATIONAL FACILITIES

(b)(5)

(b)(5)

PRIVILEGES AND IMMUNITIES

- \* U.S. PERSONNEL MUST BE ACCORDED STATUS EQUIVALENT TO THAT ACCORDED TO ADMINISTRATIVE AND TECHNICAL (A&T) PERSONNEL (FULL CRIMINAL IMMUNITY AND IMMUNITY FROM CIVIL PROCESS FOR OFFICIAL ACTS)

- \* CONTRACTORS AND IRAQIS EMPLOYED BY THE COALITION MUST BE IMMUNE FROM LEGAL PROCESS FOR ACTS PERFORMED IN OFFICIAL CAPACITY
- \* U.S. PERSONNEL AND CONTRACTOR EMPLOYEES MUST NOT BE SURRENDERED TO INTERNATIONAL TRIBUNALS OR ANY OTHER STATES OR ENTITIES WITHOUT APPROVAL OF U.S. GOVERNMENT

ENTRY AND EXIT

- \* U.S. PERSONNEL MUST BE ALLOWED TO ENTER IRAQ WITH ID CARDS AND ORDERS
- \* IRAQ MUST NOT USE VISA ISSUANCE AS A WAY OF IMPOSING LIMITS ON CONTRACTOR PERSONNEL

MOVEMENT OF CERTAIN VEHICLES, VESSELS, AND AIRCRAFT

- \* U.S. VEHICLES, VESSELS, AND AIRCRAFT MUST BE ABLE TO FREELY ENTER, EXIT, AND TRANSIT IRAQ
- \* U.S. VEHICLES, VESSELS, AND AIRCRAFT MUST NOT BE SUBJECT TO TAXES, FEES, TOLLS, CHARGES, REGULATION, REGISTRATION, INSPECTION, ETC.
- \* IRAQ MUST ACCEPT U.S. DRIVING LICENSES AND PERMITS AS VALID

IMPORTATION AND EXPORTATION

- \* U.S. MUST BE ABLE TO IMPORT AND EXPORT EQUIPMENT, SUPPLIES, AND MATERIALS WITHOUT INSPECTION, RESTRICTIONS; TAXES, CUSTOMS, DUTIES, ETC.

CONTRACTING

- \* U.S. MUST BE FREE TO CONTRACT FOR GOODS, SERVICES, AND CONSTRUCTION WITHOUT RESTRICTION
- \* U.S. MUST BE ABLE TO CONTRACT USING ITS OWN RULES

TAXATION

- U.S. FORCES MUST BE EXEMPT FROM ALL IRAQI TAXES
- \* IRAQ MAY NOT TAX INCOME OF U.S. PERSONNEL AND CERTAIN CONTRACTORS RECEIVED FROM U.S. GOVERNMENT OR SOURCES OUTSIDE IRAQ

CLAIMS

(b)(5)

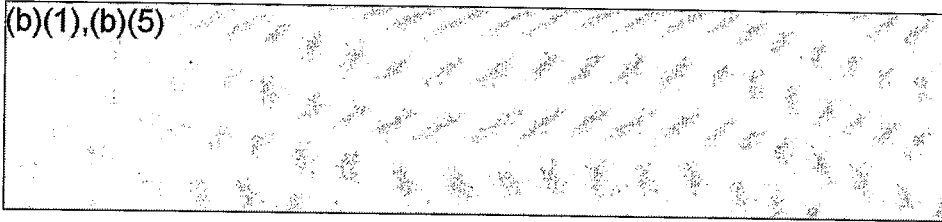
8. (S) A NUMBER OF ISSUES WILL REQUIRE ADDITIONAL CONSIDERATION BY CPA, CENTCOM AND OTHERS (IN THE USG AND IN OTHER COALITION CAPITALS). THE SCOPE AND FORMAT OF THE SECURITY ARRANGEMENT IS OUTLINED ABOVE, BUT MAY NEED TO BE MODIFIED TO REFLECT ADDITIONAL POLICY AND/OR LEGAL CONCERNS. (b)(5)

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