



SECURITY AGREEMENT

8 Dec 03

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Security Agreement Objectives

Overall Objectives

- Commit GOI to fulfill international obligations
- Protect status of US/Coalition forces
- Give CFC maximum authority to continue military operations
 - Maintain safe and secure environment
 - Ensure Iraqi compliance with international obligations (UNSCRs), including WMD disarmament
 - Pursue War on Terrorism

USCENTCOM Military Specific Objectives (No disagreement from CPA)

- Freedom of action, as deemed necessary by COMCJTF 1.4a
- Freedom of movement throughout Iraq
- Freedom of entry and exit from Iraq for Coalition personnel and equipment
- Legal jurisdiction - Coalition forces subject to home nation law, not Iraqi law
- Unrestricted communications for Coalition forces
- Freedom from Iraqi taxation and customs
- Inclusion of all civilian and liaison personnel associated with Coalition under the provisions of this document

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CJTF-1 Redline Crosswalk (1)

Black = CJTF-1 Redline
Green Italic = Language in cable to SECDEF/SECSTATE

- a. Authority for the Coalition Force, without interference, to have the full freedom of action to fight the GWOT, fight anti-coalition forces and to ensure a safe and secure environment in Iraq.
 - *Coalition Authorities must have unlimited authority to conduct military operations they deem necessary and proper under the circumstances.*
- b. A clear definition of the status of the Coalition Force including a basis in international law and Iraqi Fundamental Law.
 - *Discussed basing on UNSCR(s); questions re. Fundamental Law timing.*
 - *LTG Sanchez comment: "Why should status of forces be included in Fundamental Law?"*
- c. A clear understanding of the authority by which the Coalition Force will exercise operational command over Iraqi forces and to be assisted by the Police.
 - *Iraq shall make forces available to conduct operations with Coalition Forces.*
 - *Iraqi forces shall be prohibited from conducting offensive military activities except under operational control of Commander, Coalition Forces.*
 - *Iraqi military forces conducting combined operations shall be under the operational control of Commander, Coalition Forces.*
 - *Police not specified. (LTG Sanchez: "Police C2 not an issue.")*

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*Why not do
more?*

*internal
law enforcement*



CJTF-1.4a Redline Crosswalk (2)

- d. The absolute necessity for the Coalition Force to detain, interrogate and intern anti-Coalition forces and security risk personnel as deemed by CG, CJTF-1.4a.
 - *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 EPWs / detainees / internees (subject to the needs of the Iraqi Special Tribunal.)*
- e. Recognition that the Coalition Force will continue operations to find WMD and uncover additional information relating to such programs.
 - *Iraq must agree to support and cooperate in the search for WMD (ISG future?)*
- f. The requirement of the Coalition Force to determine the Rules of Engagement under which it operates.
 - *Commander, Coalition Forces, must have the sole authority to interpret the provisions of the Military Technical Agreement.*
 - *LTG Sanchez comment: "Make ROE a separate Redline- absolute necessity to be able to determine own ROE. Sole interpretation authority is key."*

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*Criminals?
Declare martial
law?*

 CJTF-1.4a Redline Crosswalk (3)

- g. Freedom (without passports or visas but with military identification) of entry and exit of Coalition Force personnel into and out of Iraq and complete freedom of movement within Iraq.
 - *U.S. personnel must be allowed to enter Iraq with ID cards and orders.*
- h. Right for military to wear uniforms and for both military and approved contractors to carry arms in order to ensure the safety and security of Iraqis, Coalition Forces and contractors.
 - *U.S. forces must be authorized to bear arms and wear uniforms.*
 - *Designated U.S. contractor personnel must be authorized to bear arms.*
- i. Exclusive right to exercise criminal jurisdiction over military personnel in respect of any criminal offenses that may be committed in Iraq.
 - *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.) (CJTF 1.4b Seek full dip immunity for all Coalition Force members." Negotiable)*
 - *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 the U.S. government.*

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 CJTF-1.4a Redline Crosswalk (4)

- j. The right of the Coalition Force to use, free of charge, all necessary radio spectrums and enjoy priority of use for public utilities at rates no less favorable than those available to Iraqis.
 - *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.*
- k. The right of the Coalition Force to have freedom from Iraqi taxation to import and export without any restriction and without any liability to pay customs duty.
 - *U.S. must be able to import and export equipment, supplies, and materials without inspection, restrictions, taxes, customs duties, etc.*
 - *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.*
 - *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.*

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*0/NZB/AZ
PDC/mc*



CJTF-1.4a Redline Crosswalk (5)

- I. The Security Agreement must cover Coalition Force military and civilian personnel as well as contractors
 - *AMB Bremer feels he cannot sign a Coalition agreement binding a nation other than U.S.. Will insert language allowing any Coalition nation to be covered automatically by the same rights and privileges accorded the U.S..*

Important Points for Consideration.

- a. A definition of the way in which command and control will be exercised by the Coalition Force and in its relationship with Iraqi forces and Iraqi civilian authority.
 - *C2 covered. Discussion still ongoing concerning relationship with Iraqi civilian authority.*
- b. The right of the Coalition Force to seize and retain intelligence related documents until it has no further use for them.
 - *U.S. must be authorized to seize and retain intelligence related documents.*

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JFC - separate or embedded w. U.S. Kalan model?



CJTF-1.4a Redline Crosswalk (6)

- c. Exclusive use of, and access to, all facilities to allow the Coalition Force to carry out its tasks; these should be provided without charge. The right to erect new structures, if required.
 - *Coalition forces must have unimpeded access to and exclusive use and control of specified facilities and areas; without charge.*
 - *U.S. not required to restore facilities or areas returned to Iraq.*
 - *LTG Sanchez: "Reference existing list of described facilities and properties for which Coalition Forces would have exclusive use and access. Not to be included in Agreement."*
- d. The right to requisition both state and privately owned equipment in an emergency in order to ensure a safe and secure environment.
 - *NOT SPECIFICALLY ADDRESSED.*

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within those areas where neutral (un) declared, control of all access forces will police

Yes



CJTF-1.4a

Redline Crosswalk (7)



Other Points for Consideration.

- a. A undertaking that the Iraqi Transitional Assembly to cooperate with the reconstruction and humanitarian assistance programs including provision of security when requested.
 - *Implied within document.*
- b. Both parties to waive all claims against each other but that any claims by a third party will be dealt with at the discretion of the Coalition.
 - *Iraq must waive all non-contractual claims against the U.S. government arising under the Agreement.*
 - *Iraq must waive all claims against the U.S. arising out of the war and occupation.*

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Outstanding Issues (1)



- C2 of Iraqi military
 - Details/structure to effect C2
 - Phased turnover to Iraqis?
- Definition of "Coalition"
 - Status protection for US personnel performing missions not directly related to security (e.g. reconstruction- RIE, RIO, etc.)
 - Status protection for Coalition contractor personnel, aircraft, vehicles
- Coalition forces detention authority -- post occupation (precedents?)
- Future role of ISG and weapons non-proliferation mission

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Outstanding Issues (2)

- UNSCR to "authorize" Coalition Force/Mission
 - Transition to UN-Led Force
 - Recognize Security Agreement
- Role of Coalition Member States in Drafting/Negotiation of Security Agreement
 - Bilateral or Multilateral Agreement
- Composition of Negotiating Team/Lead
- Iraqi authority to bind follow-on government
- Willingness to Slide 30 June 03 date to the right
- End Date for Security Agreement
 - Date Certain or Event Driven (e.g., completion of mission)

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Next Steps

- Cable from AMB Bremer to SECDEF (5 Dec) **Done**
- Redlines finalization, rank order, and approval. **Working**
 - Define negotiating flexibility
- 3-14 Dec draft the Security Agreement **Working**
 - CENTCOM military lead (J5/SJA)
 - CJTF-44 C5/SJA participate
- 15 Dec Draft Security Agreement complete
- 16-18 Dec coordination with OSD in DC
 - CPA General Counsel lead
 - CENTCOM J5/SJA participate

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Handwritten notes:

- Also...*
- Yato power...*
- Leaders*
- 30 June 03*
- Only internal*
- In response:*
- Travis*
- can code central on*
- in real time*
- out of state*
- Iraqi C2 - no!*
- status: unknown*
- fulfilled law.*
- Murphy*