

**Agreement Between the United States of America and Bosnia and Herzegovina on  
Status Protections and Access to and Use of Facilities and Areas in  
Bosnia and Herzegovina**

The United States of America (hereafter, "the United States") and Bosnia and Herzegovina (hereafter together "the Parties" and individually "Party"):

Desiring to conclude an agreement on enhanced defense cooperation between the United States and Bosnia and Herzegovina;

Affirming that such cooperation is based on full respect for the sovereignty of each Party and the purposes of the United Nations Charter;

Recognizing the desire of the Parties to share the burden to support those United States forces that may be present in the territory of Bosnia and Herzegovina in conjunction with such cooperation;

Recognizing the need to enhance their common security, to contribute to international peace, and to build closer cooperation; and

Reaffirming the Parties' mutual determination to strengthen transatlantic integration and collective security, including through NATO;

Have agreed as follows:

## Article I

### Definitions

1. "United States personnel" means the members of the United States Armed Forces and U.S. Department of Defense civilian personnel who may be temporarily present in Bosnia and Herzegovina in connection with activities under this Agreement.
2. "United States contractors" means non-Bosnian and Herzegovinian companies and firms and their employees who are not citizens of nor normally resident in Bosnia and Herzegovina, under contract to the U.S. Department of Defense who may be temporarily present in Bosnia and Herzegovina in connection with activities under this Agreement.
3. "Executive Agents" means the U.S. Department of Defense for the United States and the Ministry of Defense for Bosnia and Herzegovina.
4. "Facilities and areas" means military facilities and areas and other government owned facilities and areas, as mutually agreed.

## Article II

### Purposes of the Agreement

Bosnia and Herzegovina shall provide to the United States access to and use of such facilities and areas, including but not limited to transportation, storage and training facilities and areas, as may be necessary to implement the State Partnership Program and other activities as may be agreed upon by the Parties. Access to and use of such facilities and areas shall be provided without charge.

## Article III

### Respect for Law

United States personnel are obligated to respect the laws, regulations and customs of Bosnia and Herzegovina, and shall have a duty not to interfere in the internal affairs of Bosnia and Herzegovina.

## Article IV

### Entry, Exit, Movement, Licenses

1. United States personnel may enter and exit Bosnia and Herzegovina with United States identification and with collective movement or individual travel orders.

2. United States personnel shall have freedom of movement within Bosnia and Herzegovina in order to implement this Agreement.
3. The authorities of Bosnia and Herzegovina shall accept as valid, without a driving test or fee, driving licenses or permits issued by appropriate United States authorities to United States personnel for the operation of vehicles.
4. The authorities of Bosnia and Herzegovina shall accept as valid professional licenses or permits issued by appropriate United States authorities to United States personnel.

#### Article V

##### Status of United States Personnel

1. United States personnel shall be accorded the status equivalent to that accorded to the administrative and technical staff of the United States Embassy under the Vienna Convention on Diplomatic Relations of April 18, 1961, and, therefore, it is understood that they shall, inter alia, enjoy immunity from the criminal jurisdiction of Bosnia and Herzegovina, and immunity from the civil and administrative jurisdiction of Bosnia and Herzegovina for acts performed within the course of their official duties. It is further understood that United States personnel shall not enjoy immunity from the civil and administrative jurisdiction of Bosnia and Herzegovina for acts performed outside of the course of their official duties.
2. Bosnia and Herzegovina recognizes the particular importance of disciplinary control by the United States military authorities over United States personnel and, therefore, Bosnia and Herzegovina authorizes the United States to exercise criminal jurisdiction over such personnel.
3. The military authorities of the United States and the appropriate authorities of Bosnia and Herzegovina shall assist each other in the carrying out of all necessary investigations into alleged offenses committed by or against United States personnel, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with such alleged offenses. The handing over of such objects may, however, be made subject to the conditions mutually agreed between such authorities.

#### Article VI

##### Bearing of Arms and Wearing of Uniforms

United States personnel are authorized to wear uniforms while performing official duties in connection with activities under this Agreement and to carry arms while on duty if authorized to do so by their orders. The Parties shall cooperate to take such steps as necessary to ensure the security of United States personnel and property in Bosnia and Herzegovina. United States Armed Forces shall take steps as necessary to respect the property of Bosnia and Herzegovina made available to them under this Agreement.

## Article VII

### Taxes, Customs, Fees

1. The United States Armed Forces and United States personnel shall not be liable to pay any tax or similar charge assessed within Bosnia and Herzegovina. The United States Armed Forces and United States personnel may import into, export from, and use within Bosnia and Herzegovina any personal property, equipment, supplies, materials, technology, training and services for implementation of 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 Bosnia and Herzegovina.

2. United States contractors shall not be liable to pay any tax or similar charge assessed within Bosnia and Herzegovina and such contractors may import into, export out of, and use within Bosnia and Herzegovina any personal property, equipment, supplies, materials, technology, training or services associated with fulfillment of contracts with the United States in implementation 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 Bosnia and Herzegovina.

3. The property referred to in paragraphs 1 and 2 of this Article and other goods imported into or acquired in Bosnia and Herzegovina free of taxes and customs duties may not be sold or otherwise transferred in Bosnia and Herzegovina to persons or entities not entitled to exemption from taxes or customs duties under this Agreement, unless such transfer is agreed upon by the appropriate authorities of Bosnia and Herzegovina and the recipient pays applicable taxes and customs duties. This provision shall not apply to gifts to charity. United States personnel and United States contractor employees may freely transfer such property amongst themselves, and such transfers shall be free of taxes or customs duties. United States personnel and United States contractor employees shall be responsible for maintaining records, which shall be accepted as proof by the authorities of Bosnia and Herzegovina of these transfers of tax and customs duty free property.

4. 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, or other similar fees while in Bosnia and Herzegovina. 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 Bosnia and Herzegovina. Aircraft and vessels of the United States shall be free from inspection.

## Article VIII

### Contracts

1. The United States Armed Forces may contract for any materials, supplies, equipment and services (including construction) to be furnished or undertaken in Bosnia and Herzegovina in implementation of this Agreement without restriction as to choice of contractor, supplier or person who provides such goods or services. Such contracts shall be solicited, awarded and administered in accordance with the laws and regulations of the United States. Acquisition of articles and services in Bosnia and Herzegovina by or on behalf of the United States in implementing this Agreement shall not be subject to any taxes, customs duties, or similar charges in Bosnia and Herzegovina. United States contractors shall be granted the same treatment as United States personnel with respect to licenses under Article IV of this Agreement.

## Article IX

### Claims

1. Other than contractual claims, the Parties waive any and all 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.
2. Claims by third parties for damages or loss caused by United States personnel shall be resolved by the United States in accordance with United States laws and regulations.
3. All other civil claims, except contractual claims, including those arising from offenses, if not resolved in accordance with this Article may be subject to the jurisdiction of the civil courts of Bosnia and Herzegovina, where the legislation of Bosnia and Herzegovina would apply.

## Article X

### Utilities and Communications

1. United States Armed Forces, United States personnel and United States contractors may use water, electricity, and other public utilities on terms and conditions, including rates or charges, no less favorable than those available to the Armed Forces of Bosnia and Herzegovina, in like circumstances, unless otherwise agreed. The United States Armed Forces costs shall be equal to their pro rata share of the costs of such utilities.
2. Bosnia and Herzegovina recognizes that it may be necessary for the United States Armed Forces to use the radio spectrum. The United States Armed Forces are authorized 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. The United States Armed Forces shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate authorities of Bosnia and Herzegovina in the operation of the United States Armed Forces telecommunication systems.

#### Article XI

##### Implementing Arrangements

The Parties or their Executive Agents may enter into more detailed implementing arrangements to carry out the provisions of this Agreement.

#### Article XII

##### Amendments

The Agreement may be amended by the written, mutual agreement of the Parties, which shall enter into force on the date that Bosnia and Herzegovina notifies the United States through diplomatic channels that all of its internal procedures necessary for the entry into force of such amendment have been fulfilled.

#### Article XIII

##### Interpretation

1. Any disagreements that may arise from the application or implementation of this Agreement, or its implementing arrangements, shall be settled through consultation between the Parties, including as necessary, through diplomatic channels.
2. In the event that both Parties should, in the future, become parties to similar agreements that contain provisions that conflict with the provisions of this Agreement, the provisions of this Agreement shall prevail.

#### Article XIV

##### Duration and Termination

This Agreement shall enter into force on the date that Bosnia and Herzegovina notifies the United States through diplomatic channels that all of its internal procedures necessary for the entry into force of this Agreement have been fulfilled. This Agreement shall have an initial term of one year. Thereafter it shall continue in force

unless terminated by either Party upon 180 days' written notice to the other Party through diplomatic channels.

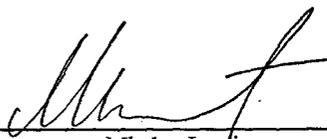
IN WITNESS THEREOF, the undersigned, being duly authorized by their respective governments, have signed this Agreement.

Done at Washington this 22nd day of November, 2005, in duplicate, in the English language and the Bosnian, Croatian and Serbian languages. In case of divergence between the four texts, the English text shall prevail.

FOR THE UNITED STATES OF AMERICA:      FOR BOSNIA AND HERZEGOVINA:



Condoleezza Rice  
Secretary of State



Mladen Ivanic  
Foreign Minister