



Brussels, 19 December 2014

Brüssel-ÖB/xATT/0977/2014

Dear Secretary General,

I have the honour to acknowledge receipt of the letter dated 18 December 2014 which reads as follows:

"I have the honour to refer to the Joint Declaration on Afghanistan adopted at the 2012 Chicago Summit in which the North Atlantic Treaty Organization (NATO) and the Islamic Republic of Afghanistan (Afghanistan) agreed to work together to establish a new NATO-led non-combat training, advising and assistance mission in Afghanistan post-2014. I draw your attention to UNSCR (2145) 2014, welcoming that Declaration, and noting the decision of the Government of Afghanistan and NATO for NATO to work towards continuing to train, advise and assist the Afghan National Security Forces after 2014.

Within the context of the NATO-Afghanistan Status of Forces Agreement, NATO and Afghanistan agree to the presence of NATO Forces in Afghanistan for the purpose of the post-2014 NATO-led non-combat training, advising and assistance mission, and approved the participation of the Republic of Austria as an operational partner. This mission will be known as Resolute Support.

It is envisioned that the focus of the training, advising and assistance delivered by this mission would be at the security ministry and national institutional level. Afghan National Defence and Security Force advising would be extended only to the Corps and Corps-equivalent Police headquarters. The non-combat training, advising and assistance by NATO forces could be extended to the tactical level in the case of Afghan Special Operations Forces by the request and invitation of the Afghan Government.

I refer also to the decision by the North Atlantic Council to initially accept the Republic of Austria's offer of forces for the Resolute Support Mission pending completion of these Participation/Financial Arrangements. On the basis of that decision, I refer also to Council's subsequent recognition of the Republic of Austria as a potential operational partner in the Resolute Support Mission

Therefore, based upon previous discussions and communications, and on signature of this Agreement, I accept with appreciation the offer of the Government of the Republic of Austria to provide to Resolute Support Mission 10 members of the Austrian Armed Forces as staff members. It is my understanding that it is the intention of the Government of the Republic of Austria to maintain its participation in the Resolute Support Mission for a period of at least six (6) months, which may be extended.

The principles concerning the establishment, functions, responsibilities, and status of the Resolute Support Mission are set out in the Agreement between the North Atlantic Treaty Organization and the Islamic Republic of Afghanistan on the Status of NATO Forces and NATO Personnel Conducting Mutually Agreed NATO-Led Activities in Afghanistan (hereinafter the NATO-Afghanistan SOFA) and in NATO's operational planning documents. It is understood that your ultimate decision with respect to participation will be contingent upon your acceptance of the provisions of these documents. I seek your agreement that the Austrian contingent shall conduct itself in accordance with the terms of these documents and any changes to them throughout the course of the Republic of Austria's participation in the Resolute Support Mission.

Your attention is drawn to the fact that the Austrian contribution to the Resolute Support Mission is governed by the provisions of the aforementioned NATO-Afghanistan SOFA for operations under NATO Command and Control arrangements only.

In accordance with the provisions of the OPLAN referred to hereafter, the Supreme Allied Commander Europe (SACEUR) has been authorised by the North Atlantic Council to conduct the Resolute Support Mission¹. SACEUR has overall strategic command of Resolute Support and exercises operational command and operational control following transfer of authority by Nations. SACEUR delegates operational control of forces to Commander, Joint Force Command Brunssum (COM JFCBS), who further delegates this authority to the Commander, Resolute Support Mission (COM RSM). COM RSM, as the in-theatre operational commander, will command the Resolute Support Mission and synchronise its activities with the Afghan authorities.

With reference to SACEUR's Operation Plan 10312, and any subsequent revision, amendment or replacement of this plan, I seek your agreement that national contingents provided to Resolute Support Mission, present in the area of operations and having been assessed as capable of performing their assigned mission, are transferred at a minimum of operational control to SACEUR and subject to NATO authorised Rules of Engagement. COM RSM will issue orders to the national contingents, through the chain of command established by him, and will utilise national contingents in accordance with their capabilities taking into account the advice of the contingent Commander. Non-NATO Nations will retain national command of their own contingents. In this regard, I would like to emphasise the importance of continuity of service of units in the Resolute Support Mission and to seek your agreement that the Austrian contingent will not be withdrawn without a prior notification of at least three (3) months to the COM RSM, unless otherwise agreed.

Furthermore, I ask you to confirm that the appropriate authorities of your national contingent shall take the necessary measures to assure the maintenance of proper discipline of Austrian personnel, and to exercise jurisdiction, where and when appropriate, with respect to any crime or offence which might be committed by Austrian personnel.

The exchange of NATO classified information between NATO and operational partners will be carried out in accordance with existing security arrangements as agreed by NATO and all participating Nations.

¹ Implementation remains subject to the approval of the NAC Execution Directive

Operational Partner Nations may address issues of a political nature concerning the operation to the NATO Secretary General.

The financial responsibilities for the participation of your country in the Resolute Support Mission will lie as follows:

- a. The Republic of Austria shall be responsible for the transportation of the personnel of the Austrian contingent, their weapons and equipment, without cost to NATO, from the designated point of departure to their designated location in the area of operations and return, in accordance with the mutually established rotation schedule.
- b. The Republic of Austria shall be responsible for the provision of food, lodging, petroleum, oil, lubricants and medical care to its personnel in the area of operations as well as basic support, without cost to NATO. Similarly, NATO shall neither provide nor maintain the equipment to be utilized by the Austrian contingent in the performance of its mission.
- c. The Republic of Austria shall remain responsible for the payment to its personnel, without cost to NATO, of the salaries, special pay, benefits, per diem reimbursements, allowances, and other payments which would normally be paid to such personnel when stationed in the theatre area of operations.
- d. The Republic of Austria shall provide its personnel, without cost to NATO, the weapons and other equipment required to perform their mission.
- e. NATO shall provide no payments or reimbursements to the Republic of Austria for the provision of forces to the Resolute Support Mission.
- f. National representation at any NATO Headquarters will be at the expense of the Republic of Austria.
- g. NATO nations and operational partner nations have agreed among themselves to waive all claims against each other and against other operational partner nations for damage to property owned or used by, and injury to personnel belonging to, their contingents in the Resolute Support Mission. By accepting this agreement, the Republic of Austria obligates itself to accept a similar commitment.
- h. Operational partner nations, including the Republic of Austria, and other constituent elements of the Resolute Support Mission shall be responsible for claims for damages arising out of their acts and omissions and made by third parties from the Nation in which the damage in question occurred. All third party claims shall be processed in accordance with the procedures to be promulgated by COM RSM and submitted for settlement by the nation responsible for the damage.

Any issues not covered in the present letter remain the responsibility of the Government of the Republic of Austria and will not entail any financial responsibility of NATO or any of the other national constituent elements of the Resolute Support Mission.

All issues related to the application or interpretation of the provisions of the present agreement will be settled through appropriate negotiations between NATO and the Republic of Austria. Operational issues related to the Austrian contribution to the Resolute Support Mission shall be settled by COM RSM and the Austrian national contingent commander or their designated representatives.

The present agreement may be supplemented by implementation arrangements concluded between the designated representatives of NATO and the Republic of Austria.

I have the honour to propose that this letter and your reply confirming the agreement of your Government to the terms thereof shall constitute an Agreement which shall enter into force on the date of your reply."

I have the pleasure to inform you of my government's acceptance of said letter which, together with this reply, constitutes an Agreement which shall enter into force on the date of this reply.

Yours sincerely,



Bernadette Klösch
Chargé d'Affaires a.i.

His Excellency
Mr. Jens Stoltenberg
Secretary General
North Atlantic Treaty Organization
Brussels