

10/2
1100

~~CONFIDENTIAL~~

EF-6949

USDP 1/1 9/22/03

I-03/013145-NP

ACTION MEMO

FOR: SECRETARY OF DEFENSE
FROM: J.D. ~~Quinch~~ II SEP 24 2003
SUBJECT: Article 98 Agreement with Colombia

203 OCT -1 PM 2:46

ASD/ISP

Can't we do this without
all the "I-told-you-so"
crap? D.R.A.

- (U) Colombia signed an Article 98 agreement on 17 September. This brings the total number of Article 98 agreements to 63. ARTY DI RITA 10/4
- (U) NATO members, Major Non-NATO Allies, and Taiwan are exempted from the American Servicemember Protection Act (ASPA) prohibitions on military assistance.
- ASPA allows National Interest Waivers (NIWs) and waivers for countries that have "entered into" an Article 98 agreement with the US.

• (b)(1), 1.4(d)

- ~~(C)~~ DoD did agree to consider NIWs for NATO invitees on a project-by-project basis due to their OIF support, the importance of their readiness to join NATO, and because they become exempt from ASPA upon joining NATO in May '04.

• (b)(1), 1.4(d)

- We believe this will lead other countries in the region to sign agreements soon. Ecuador and Paraguay now favor signing an Article 98 agreement.

• (b)(1), 1.4(d)

- ~~(C)~~ We expect to sign 5 to 12 additional agreements over the next month.

Recommendation

- (b)(1), 1.4(d) recommend you send the letter at Tab A urging continued adherence to our Article 98 strategy.

SPL ASSISTANT DI RITA	
SR MA CRODOK	3 11 28 11
MA DUFF	
EXEC SEC MARRIOTT	10/2

Derived from: Multiple Sources
Declassify on: 22 September 2013

SEP30 3:22PM

~~CONFIDENTIAL~~

X03335 103

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EF-6444

(40) Held

USDP/1/5/9/2/03

I-03/013145-NP

ACTION MEMO

2003-09-24 2:46

FOR: SECRETARY OF DEFENSE
FROM: J.D. ~~Quilich II~~ SEP 24 2003
SUBJECT: Article 98 Agreement with Colombia

- (U) Colombia signed an Article 98 agreement on 17 September. This brings the total number of Article 98 agreements to 63.
- (U) NATO members, Major Non-NATO Allies, and Taiwan are exempted from the American Servicemember Protection Act (ASPA) prohibitions on military assistance.
- ASPA allows National Interest Waivers (NIWs) and waivers for countries that have "entered into" an Article 98 agreement with the US.

(b)(1), 1.4(d)

- (C) DoD did agree to consider NIWs for NATO invitees on a project-by-project basis due to their OIF support, the importance of their readiness to join NATO, and because they become exempt from ASPA upon joining NATO in May '04.

(b)(1), 1.4(d)

- We believe this will lead other countries in the region to sign agreements soon. Ecuador and Paraguay now favor signing an Article 98 agreement.

(b)(1), 1.4(d)

- (C) We expect to sign 5 to 12 additional agreements over the next month.

Recommendation

(b)(1), 1.4(d) recommend you send the letter at Tab A urging continued adherence to our Article 98 strategy.

2003-09-23 01:48 14

Derived from: Multiple Sources
Declassify on: 22 September 2013

SEP30 3:22PM

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X03335.103



~~CONFIDENTIAL~~
SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Article 98 Strategy (U)

(U) I was pleased to hear that Colombia has signed an Article 98 agreement protecting U.S. nationals, government officials, and military personnel from the International Criminal Court.

(b)(1), 1.4(d)

~~(C)~~ As a result of the US-Colombian agreement, I understand other countries in South America have expressed renewed interest in concluding their own Article 98 agreements with the U.S.

(b)(1), 1.4(d)

cc:

The Vice President

The Chief Of Staff

The Assistant to the President for National Security Affairs





~~CONFIDENTIAL~~
SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MEMORANDUM FOR THE SECRETARY OF STATE

cc: THE VICE PRESIDENT
THE CHIEF OF STAFF
THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY
AFFAIRS

SUBJECT: Article 98 Strategy (u)?

(U) I was pleased to hear that Colombia has signed an Article 98 agreement protecting U.S. nationals, government officials, and military personnel from the International Criminal Court.

(b)(1), 1.4(d)

(C) As a result of the US-Colombian agreement, I understand other countries in South America have expressed renewed interest in concluding their own Article 98 agreements with the U.S.

(b)(1), 1.4(d)

