

AGREEMENT ON MILITARY EXCHANGES AND VISITS
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF MONGOLIA

PREAMBLE

The Government of the United States of America and the Government of Mongolia, hereinafter referred to jointly as "Parties" and singly as "Party,"

Recognizing the goals and principles of the United Nations Charter, particularly the principles of sovereign equality, inviolability of borders, territorial integrity, non-interference in internal affairs, and peaceful resolution of disputes;

Desiring to strengthen the friendship and understanding between them and to promote regional and international peace and security;

Emphasizing the interests of the Parties to promote military exchanges and visits;

Conscious that such exchanges and visits shall be to each other's mutual benefit;

Recognizing and emphasizing that such exchanges and visits are important in promoting peace and security in Asia and are not directed against the interests of a Third Country;

Realizing the importance that for these exchanges and visits to be carried out in an effective, orderly, and directed manner in accordance with the principles of equality and mutual benefit, an agreement is required;

Have agreed as follows:

ARTICLE I SCOPE OF AGREEMENT

The Parties undertake actively to promote military exchanges and visits in accordance with international law and their respective national laws and regulations in the following matters as discussed below:

ARTICLE II EXCHANGES AND VISITS

1. Military exchanges and visits shall include the following activities, insofar as realistic, practical, and mutually beneficial:

a. Joint Exercises. Joint construction and medical exercises may be conducted between the two armed forces. In the past three years the two countries have held joint construction and medical exercises involving engineers and doctors. The mode, frequency, and other requirements (including implementing arrangements, as necessary) for such exercises shall be addressed by the Embassies and Defense Ministries of both parties.

b. Exchange of Personnel. Exchanges of personnel, as well as units, may be conducted between the two Armed Forces. Such exchanges may include visits of military delegations to discuss issues of mutual interest, and deepen mutual understanding of the international security environment. The type, mode, frequency and other requirements (including implementing arrangements, as appropriate) shall be addressed by Embassies and Defense Ministries of both parties.

c. Education and Training. Both parties shall explore professional military educational and training needs and opportunities, to include the exchange of information on available programs such as those in the International Military Education and Training Program.

d. Further Exchanges and Visits. The Parties will explore potential exchanges and visits in such areas as natural disaster preparedness and relief, humanitarian and peacekeeping operations, logistics, and technical and economic assistance for the benefit of both Parties.

e. Access and Use of Facilities. Temporary access to and use of each other's facilities may be required or useful in order to accomplish training, construction and medical exercises and visitations, and to conduct related activities such as refueling and maintenance of aircraft and equipment. Temporary access to and use of such facilities, including the conditions and requirements associated with that use, shall be addressed by both parties. The Parties recognize that it may be necessary to conclude separate technical arrangements in this regard.

2. The above areas of cooperation are not exhaustive of possible activities. The Parties will explore new areas for cooperation and the broadening and deepening of their relations. Specific cooperative activities and schedules are to be determined in consultation between the Embassies and Defense Ministries of both Parties. If required, the Embassies and Defense Ministries of both Parties will consult with each side's appropriate organizations.

ARTICLE III

MANAGEMENT OF COOPERATION ACTIVITIES

The Embassies and Defense Ministries of both Parties shall monitor, manage, and implement this agreement. Consultations will be conducted through these channels, and each side shall notify the other of its designated official for managing these activities.

ARTICLE IV RESPECT FOR LAW

It is the duty of both Parties and their personnel to respect each other's laws and regulations, and not to interfere in the internal affairs of the other Party.

ARTICLE V TERMS AND DEFINITIONS

The Parties shall apply the terms and definitions set forth in the Annex which shall be an integral part of this Agreement.

ARTICLE VI ENTRY AND EXIT

United States Personnel may enter and leave Mongolia with United States passport or military identification and collective movement or individual travel orders. The two sides shall develop procedures for the most expeditious possible issuance of visas prior to or upon arrival.

ARTICLE VII UNIFORMS

United States Personnel may wear uniforms while performing official duties in Mongolia, and Mongolian personnel may wear uniforms while performing official duties in the United States.

ARTICLE VIII BEARING OF ARMS

The issue of bearing of weapons by United States military personnel while on

Mongolian territory will be determined in advance by the appropriate authorities of the United States and Mongolia, in accordance with each side's legislation.

ARTICLE IX DRIVING LICENSES AND VEHICLE REGISTRATION

Mongolian authorities shall accept as valid, without a driving test or fee, a driving permit or license issued by the appropriate United States authority to United States Personnel for the operation of military or official vehicles. Vehicles owned by the United States Forces shall have appropriate identification markings, which shall be provided to the appropriate Mongolian authorities. If the vehicles are in Mongolia for more than 60 days, they shall be registered with the Mongolian police authorities at no cost to the U.S. Government.

ARTICLE X CRIMINAL JURISDICTION

United States military authorities shall have the right to exercise within Mongolia all criminal and disciplinary jurisdiction over United States Personnel conferred on them by the military laws of the United States. Any criminal offenses against the laws of Mongolia committed by a member of the U.S. forces shall be referred to appropriate United States authorities for investigation and disposition. In investigating such offenses, United States authorities will take into account any reports of investigations by Mongolian authorities, or interpretations by such authorities of Mongolian law. The government of the United States shall give sympathetic consideration to a request by the government of Mongolia for a waiver of jurisdiction in cases not involving official duty.

ARTICLE XI CLAIMS

1. Both Governments waive any and all claims against each other, other than contractual claims, for damage, loss or destruction of the property of each other's Armed Forces, or for death or injury to their military and civilian personnel arising from activities under this agreement.
2. With respect to claims other than contractual claims and those covered by paragraph 1 of this Article, the United States Government shall pay just and reasonable compensation in settlement of meritorious claims arising out of acts or omissions of United States Personnel, or which are otherwise incident to the non-combat activities of the United States Armed Forces. These claims shall be expeditiously processed and settled by United States authorities in accordance with United States law regarding

foreign claims.

ARTICLE XII IMPORTATION AND EXPORTATION

1. United States Government equipment, material, supplies, and other property imported into or acquired in Mongolia by or on behalf of the United States Armed Forces in connection with its activities, shall be free of all Mongolian duties, taxes, and other charges. Title to such property shall remain with the United States, which may remove such property from Mongolia at any time free from export duties, taxes and similar charges. The exemption provided in this paragraph shall also extend to any duty, tax, or other charges which would otherwise be assessed upon such property after importation into, or acquisition in Mongolia. Such property may be removed from Mongolia or disposed of therein, provided that disposition of such property in Mongolia to persons or entities not entitled to exemption from applicable taxes and duties shall be subject to payment of such taxes and duties by such persons or entities.

2. Personal property:

A. Baggage, personal effects, and other property for the personal use of United States Personnel may be imported into and used in Mongolia free of all duties, taxes, and other charges during the period of their service in Mongolia. Such property shall normally be exported or transferred only to other United States personnel. Transfers to other persons or entities in Mongolia not entitled to import privileges may be made only under terms and conditions, including payment of applicable duties and taxes, imposed by the authorities of Mongolia. The exportation of such property by the United States personnel shall be free of all Mongolian duties, taxes, and other charges. Property acquired in Mongolia, except for antiques and similar items subject to special export controls, shall be exported free of all Mongolian duties, taxes, and other charges.

B. Baggage, personal effects, and other property for the personal use of Mongolian personnel may be imported into and used in the United States free of all duties, taxes, and other charges during the period of their service in the United States. Such property shall normally be exported or transferred only to other Mongolian personnel. Transfers to other persons and entities in the United States not entitled to import privileges may be made only under terms and conditions, including payment of applicable duties and taxes, imposed by the authorities of the United States. The exportation of such property by the Mongolian personnel shall be free of all United States duties, taxes, and other charges. Property acquired in the United States, except for antiques and similar items subject to special export controls, shall be exported free of all United States duties, taxes, and other charges.

ARTICLE XIII INCOME TAXES

United States Personnel shall be exempt from all taxes and similar fees and government charges of Mongolia and its political subdivisions on income received from the United States Government or from other sources outside Mongolia.

ARTICLE XIV MOVEMENT OF AIRCRAFT

1. Aircraft operated by or for the U.S. forces, including all civilian aircraft chartered or leased to the U.S. Government, may enter and move within Mongolia upon reasonable notification to and agreement of the Government of Mongolia. Aircraft operated by or for the United States Armed Forces shall observe local air traffic control regulations while in Mongolia.

2. Aircraft operated by or for the U.S. Forces, including all civilian aircraft chartered or leased to the U.S. Government, shall not be subject to the payment of navigation, landing, parking or overflight charges, or tolls or other use charges, while in Mongolia in connection with implementation of this Agreement. The United States Armed Forces shall pay for services requested and received relating to such aircraft.

ARTICLE XV SECURITY

United States and Mongolia authorities shall cooperate in taking such steps as may be necessary to ensure the security of United States Personnel and property present in Mongolia pursuant to this Agreement.

ARTICLE XVI IMPLEMENTATION AND MODIFICATION

1. This Agreement may be supplemented by separate detailed implementing arrangements which shall be entered into by mutual agreement.

2. The Parties may at any time agree to modify or otherwise amend this Agreement.

3. Any disagreements regarding the interpretation or application of this Agreement shall be resolved by consultation between the authorities of the United States and Mongolia. Either Party to this Agreement may at any time request a review of its provisions.

4. Activities under this agreement shall be conducted in accordance with each Party's laws and regulations and shall be subject to the availability of appropriated funds.

ARTICLE XVII
ENTRY INTO FORCE AND DURATION

This Agreement shall enter into force upon notification by each side that it has completed legal requirements for entry into force, and shall remain in force until the expiration of 180 days from the date on which one Party gives the other notice in writing of its intent to terminate.

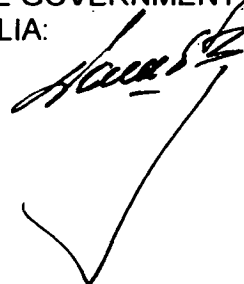
IN WITNESS THEREOF, the undersigned being duly authorized by their respective Governments, have signed this Agreement.

DONE AT Ulaanbaator on this 26th day of June 1996, in duplicate, in English and Mongol languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

Samuel A. Brown

FOR THE GOVERNMENT OF
MONGOLIA:

[Signature]


ANNEX

DEFINITION OF TERMS

As used in the Agreement on Military Exchanges and Visits Between the Government of the United States of America and the Government of Mongolia

- 1. Personnel** -- The two sides understand this to refer to the military and civilian persons of Mongolia and the United States who are carrying out this Agreement.
- 2. Units (small)** -- Units are small military units, below the battalion level (for example -- platoon or squad) that might be involved in a military training, exchange, or joint activity. The members of such units would not possess arms unless previously authorized under Article VIII of this Agreement.
- 3. Collective Movement Travel Orders** -- Collective movement is a term used in the U.S. military to describe a "unit" movement. In this case the U.S. document that legally authorizes the travel is a "unit" travel order with all the members of the unit listed on one document. A collective movement travel order together with military identifications of all the members of the unit listed on the document can authorize the movement.
- 4. Military Identification** -- Military identification is the document identifying a military member of the U.S. Armed Forces. Military identifications together with a collective movement travel order with all the members of the unit listed on the document (or military identification with an individual movement travel order) provides Armed Forces personnel the right to travel.
- 5. Individual Movement Travel Order** -- An individual movement travel order is a document authorizing entry and exit for a military member or a civilian traveling overseas according to the agreement with appropriate authorities of that particular country. It includes a foreign passport or the respective travel order (individual or collective) along with military identifications of the listed members.
- 6. Driver's License** -- A driver's license is a document authorizing the right to drive vehicles. It can not be considered as an individual person's identification.
- 7. Other than contractual claims** -- Other than contractual claims are claims that arise from an event or occurrence that is "outside" of any previously signed contract or agreement.
- 8. Non-combat activities** -- These are all activities outside of a declared combat zone or not in association with actual combat (war) operations, including routine training, academic instructions, exchanges, conferences, and all other peace-time activities.
- 9. Vehicles** -- Vehicles means small vehicles for personnel or cargo transportation, such as jeeps and trucks. It does NOT include combat vehicles such as armored personnel carriers or tanks. (NOTE: It is possible that for some cooperative exercises, with mutual agreement beforehand,

that equipment such as bulldozers or cranes would be a type of vehicle that would be useful.)

10. Registration of vehicles -- Registration of vehicle means registration of vehicles with the relevant Mongolian authorities owned by U.S. Forces which stay on the territory of Mongolia more than 60 days -- without changing markings, plate numbers of the vehicles, and without charging registration fees.

11. Aircraft operated by or for U.S. Forces -- Aircraft can be U.S. military aircraft flown by military members or they can be civilian aircraft (cargo or airliner) that are chartered, leased or rented by the U.S. military.

12. Income from sources outside Mongolia -- This is income, salary, payment (money) of the U.S. military members issued from sources which do not include agencies of Mongolia.

13. Transfer of property -- The term "transfer of property" does not include sale of the U.S. property to a private person or organization in Mongolia.