ATTACHMENT 4

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 17 (REVISED)

STATUS OF THE COALITION PROVISIONAL AUTHORITY, MNF - IRAQ, CERTAIN MISSIONS AND PERSONNEL IN IRAQ

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 (2003), 1511 (2003) and 1546 (2004),

Noting the adoption of a process and a timetable for the drafting of an Iraqi constitution by elected representatives of the Iraqi people in the Law of Administration for the State of Iraq for the Transitional Period (TAL) on March 8, 2004,

Conscious that states are contributing personnel, equipment and other resources, both directly and by contract, to the Multinational Force (MNF) and to the reconstruction effort in order to contribute to the security and stability that will enable the relief, recovery and development of Iraq, as well as the completion of the political process set out in the TAL,

Noting that many Foreign Liaison Missions have been established in Iraq that after June 30, 2004 will become Diplomatic and Consular Missions, as defined in the Vienna Conventions on Diplomatic and Consular Relations of 1961 and 1963,

Recalling that there are fundamental arrangements that have customarily been adopted to govern the deployment of Multinational Forces in host nations,

Conscious of the need to clarify the status of the CPA, the MNF, Foreign Liaison, Diplomatic and Consular Missions and their Personnel, certain International Consultants, and certain contractors in respect of the Government and the local courts,

Recognizing the need to provide for the circumstances that will pertain following June 30, 2004, and noting the consultations with the incoming Iraqi Interim Government in this regard and on this order,

I hereby promulgate the following:

Section 1
Definitions

1) "Multinational Force" (MNF) means the force authorized under U.N. Security Council Resolutions 1511 and 1546, and any subsequent relevant U.N. Security Council resolutions.

2) "MNF Personnel" means all non-Iraqi military and civilian personnel (a) assigned to or under the command of the Force Commander or MNF contingent commanders, (b)

subject to other command authority to aid, protect, complement or sustain the Force Commander, or (c) employed by a Sending State in support of or accompanying the MNF.

3) "Force Commander" means the Commander appointed to exercise unified command of the MNF, or his or her designee.

4) "CPA Personnel" means all non-Iraqi civilian and military personnel assigned to, or under the direction or control of, the Administrator of the CPA.

5) "Sending State" means a State providing personnel, International Consultants, services, equipment, provisions, supplies, material, other goods or construction work to: (a) the CPA, (b) the MNF, (c) international humanitarian or reconstruction efforts, (d) Diplomatic or Consular Missions, or (e) until July 1, 2004, Foreign Liaison Missions.

6) "Foreign Liaison Missions" means representative missions operated by States until July 1, 2004.

7) "Foreign Liaison Mission Personnel" means those individuals who are authorized by the Iraqi Ministry of Foreign Affairs to carry Foreign Liaison Mission personnel identification cards until July 1, 2004.

8) "Diplomatic and Consular Missions" means those missions belonging to States with diplomatic or consular relations with Iraq that are in operation on or after June 30, 2004.

9) "Premises of the Missions" means all premises, including the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of Diplomatic and Consular Missions, including residences of the heads of missions on or after June 30, 2004.

10) "Iraqi legal process" means any arrest, detention or legal proceedings in Iraqi courts or other Iraqi bodies, whether criminal, civil, or administrative.

11) "Contractors" means non-Iraqi legal entities or individuals not normally resident in Iraq, including their non-Iraqi employees and Subcontractors not normally resident in Iraq, supplying goods or services in Iraq under a Contract.

12) "Contract" means:

a) a contract or grant agreement with the CPA or any successor agreement thereto, or a contract or grant agreement with a Sending State, to supply goods or services in Iraq, where that supply is:

i) to or on behalf of the MNF;
ii) for humanitarian aid, reconstruction or development projects approved and organized by the CPA or a Sending State;
iii) for the construction, reconstruction or operation of Diplomatic and Consular Missions; or
iv) until July 1, 2004, to or on behalf of Foreign Liaison Missions; or

b) a contract for security services provided by Private Security Companies to Foreign Liaison Missions and their Personnel, Diplomatic and Consular Missions and their personnel, the MNF and its Personnel, International Consultants, or Contractors.

13) "Subcontractors" means non-Iraqi legal entities or individuals not normally resident in Iraq, including their non-Iraqi employees, performing under contract with a Contractor to supply goods or services in Iraq in furtherance of the Contractor's Contract.

14) "Private Security Companies" means non-Iraqi legal entities or individuals not normally resident in Iraq, including their non-Iraqi employees and Subcontractors not normally resident in Iraq, that provide security services to Foreign Liaison Missions and their Personnel, Diplomatic and Consular Missions and their personnel, the MNF and its Personnel, International Consultants and other Contractors.

15) "Vehicles" means civilian and military vehicles operated by or in support of MNF, the CPA, Foreign Liaison Missions, International Consultants and, in the course of their official and contractual activities, Contractors.

16) "Vessels" means civilian and military vessels operated by or in support of the MNF, the CPA, Foreign Liaison Missions, International Consultants and, in the course of their official and contractual activities, Contractors.

17) "Aircraft" means civilian and military aircraft operated by or in support of the MNF, the CPA, Foreign Liaison Missions, International Consultants and, in the course of their official and contractual activities, Contractors.

18) "The Government" means the Iraqi Interim Government from June 30, 2004, the Iraqi Transitional Government upon its formation, and any successor government for the duration of this Order, including instrumentalities, commissions, judicial, investigative or administrative authorities, and regional, provincial and local bodies.

19) "International Consultants" means all non-Iraqi personnel who are not CPA personnel and, after June 30, 2004, are not accredited to a Diplomatic or Consular Mission, but are provided by Sending States as consultants to the Government and are officially accepted by the Government.

Section 2
Iraqi Legal Process

1) Unless provided otherwise herein, the MNF, the CPA, Foreign Liaison Missions, their Personnel, property, funds and assets, and all International Consultants shall be immune from Iraqi legal process.

2) All MNF, CPA and Foreign Liaison Mission Personnel and International Consultants shall respect the Iraqi laws relevant to those Personnel and Consultants in Iraq including the Regulations, Orders, Memoranda and Public Notices issued by the Administrator of the CPA.

3) All MNF, CPA and Foreign Liaison Mission Personnel, and International Consultants shall be subject to the exclusive jurisdiction of their Sending States. They shall be immune from any form of arrest or detention other than by persons acting on behalf of their Sending States, except that nothing in this provision shall prohibit MNF Personnel from preventing acts of serious misconduct by the above-mentioned Personnel or Consultants, or otherwise temporarily detaining any such Personnel or Consultants who pose a risk of injury to themselves or others, pending expeditious turnover to the appropriate authorities of the Sending State. In all such circumstances, the appropriate senior representative of the detained person's Sending State in Iraq shall be notified immediately.

4) The Sending States of MNF Personnel shall have the right to exercise within Iraq any criminal and disciplinary jurisdiction conferred on them by the law of that Sending State over all persons subject to the military law of that Sending State.

5) The immunities set forth in this Section for Foreign Liaison Missions, their Personnel, property, funds and assets shall operate only with respect to acts or omissions by them during the period of authority of the CPA ending on June 30, 2004.

Section 3
Diplomatic and Consular Missions

All Premises of Diplomatic and Consular Missions will be utilized by Diplomatic and Consular Missions without hindrance and subject to the requirements of and receiving the protections provided for in the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963. This Order does not prevent the Government and any State from entering into other bilateral arrangements for existing or new premises.

Section 4
Contractors

1) Sending States may contract for any services, equipment, provisions, supplies, material, other goods, or construction work to be furnished or undertaken in Iraq without restriction as to choice of supplier or Contractor. Such contracts may be awarded in accordance with the Sending State's laws and regulations.

2) Contractors shall not be subject to Iraqi laws or regulations in matters relating to the terms and conditions of their Contracts, including licensing and registering employees, businesses and corporations; provided, however, that Contractors shall comply with such applicable licensing and registration laws and regulations if engaging in business or transactions in Iraq other than Contracts. Notwithstanding any provisions in this Order, Private Security Companies and their employees operating in Iraq must comply with all CPA Orders, Regulations, Memoranda, and any implementing instructions or regulations governing the existence and activities of Private Security Companies in Iraq, including registration and licensing of weapons and firearms.

3) Contractors shall be immune from Iraqi legal process with respect to acts performed by them pursuant to the terms and conditions of a Contract or any sub-contract thereto. Nothing in this provision shall prohibit MNF Personnel from preventing acts of serious misconduct by Contractors, or otherwise temporarily detaining any Contractors who pose a risk of injury to themselves or others, pending expeditious turnover to the appropriate authorities of the Sending State. In all such circumstances, the appropriate senior representative of the Contractor's Sending State in Iraq shall be notified.

4) Except as provided in this Order, all Contractors shall respect relevant Iraqi laws, including the Regulations, Orders, Memoranda and Public Notices issued by the Administrator of the CPA.

5) Certification by the Sending State that its Contractor acted pursuant to the terms and conditions of the Contract shall, in any Iraqi legal process, be conclusive evidence of the facts so certified.

6) With respect to a contract or grant agreement with or on behalf of the CPA and with respect to any successor agreement or agreements thereto, the Sending State shall be the state of nationality of the individual or entity concerned, notwithstanding Section 1(5) of this Order.

7) These provisions are without prejudice to the exercise of jurisdiction by the Sending State and the State of nationality of a Contractor in accordance with applicable laws.

Section 5
Waiver of Legal Immunity and Jurisdiction

1) Immunity from Iraqi legal process of MNF, CPA and Foreign Liaison Mission Personnel, International Consultants and Contractors is not for the benefit of the individuals concerned and may be waived pursuant to this Section.

2) Requests to waive immunity for MNF, CPA and Foreign Liaison Mission Personnel and International Consultants shall be referred to the respective Sending State. Such a waiver, if granted, must be express and in writing to be effective.

3) Requests to waive immunity for Contractors shall be referred to the relevant Sending State in relation to the act or acts for which waiver is sought. Such a waiver, if granted, must be express and in writing to be effective.

Section 6
Communications

1) The MNF shall engage in radiocommunications in accordance with the Annex hereto and is authorized, in coordination with the Government, to use such facilities as may be required for the performance of its tasks. Issues with respect to communications shall be resolved pursuant to this Order and the Annex hereto.

2) Subject to the provisions of paragraph (1) above:

   a) The MNF, Diplomatic and Consular Missions and Contractors may, in consultation with the Government, install and operate radiocommunication stations (including terrestrial radio and television broadcasting stations and satellite stations) to disseminate information relating to their mandates. The MNF, Diplomatic and Consular Missions and Contractors also may install and operate radiocommunication transmitting and receiving stations, including satellite earth stations, and install and operate other telecommunications systems including by laying cable and land lines, to provide communications, navigation, radio-positioning and other services useful in fulfilling their respective mandates. The MNF, Diplomatic and Consular Missions and Contractors shall also have the right to exchange telephone, voice, facsimile and other electronic data with relevant global telecommunications networks. The MNF, Diplomatic and Consular Missions and Contractors may continue to operate after June 30, 2004 existing radiocommunication transmitting and receiving stations, including broadcasting stations and other telecommunications systems operated by them or their predecessors on or prior to June 30, 2004, in accordance with existing authorizations and assignments of radio frequency spectrum. Subject to the Annex

hereto, the radio broadcasting stations, radio transmitting and receiving stations, and telecommunications systems operated pursuant to this Section by the MNF, Diplomatic and Consular Missions and Contractors shall be operated in accordance with the International Telecommunication Union Constitution, Convention and Radio Regulations, where applicable. The frequencies on which any new radiocommunication transmitting and receiving stations, including broadcasting stations, may be operated shall be decided upon in coordination with the Government to the extent required under and in accordance with the Annex hereto. Such use of the radio-frequency spectrum shall be free of charge for MNF and Diplomatic and Consular Missions.

b) The MNF, Diplomatic and Consular Missions and Contractors may connect with local telephone, facsimile and other electronic data systems. Existing connections to such local systems (made by them or their predecessor entities) shall remain in place following June 30, 2004. The MNF, Diplomatic and Consular Missions and Contractors may make new connections to such local systems after consultation and in accordance with arrangements with the Government. The use of such existing and new systems shall be charged at the most competitive rate to the MNF, Diplomatic and Consular Missions and Contractors.

3) The MNF may arrange through its own facilities for the processing and transport of private mail to or from MNF Personnel. The Government shall be informed of the nature of such arrangements and shall not interfere with or censor the mail of the MNF, or MNF Personnel.

4) The Code of Wireless Communications, Code No. 159 of 1980, to the extent not already superseded, is hereby repealed.

Section 7
Travel and Transport

1) All MNF, CPA and Foreign Liaison Mission Personnel, International Consultants and Contractors, to the extent necessary to perform their Contracts, shall enjoy, together with vehicles, vessels, aircraft and equipment, freedom of movement without delay throughout Iraq. That freedom shall, to the extent practicable with respect to large movements of personnel, stores, vehicles or aircraft through airports or on railways or roads used for general traffic within Iraq, be coordinated with the Government. The Government shall supply the MNF with, where available, maps and other information concerning the locations of mine fields and other dangers and impediments.

2) Vehicles, vessels and aircraft shall not be subject to registration, licensing or inspection by the Government, provided that Contractors' vehicles, vessels and aircraft shall carry appropriate third-party insurance.

3) All MNF, CPA and Foreign Liaison Mission Personnel, International Consultants and Contractors, to the extent necessary to perform their Contracts, together with their

vehicles, vessels and aircraft, may use roads, bridges, canals and other waters, port facilities, airfields and airspace without the payment of dues, tolls or charges, including landing and parking fees, port, wharfage, pilotage, navigation and overflight charges, overland transit fees, and similar charges. Exemption will not be claimed from charges for services requested and rendered, and such charges shall be at rates most favourable to CPA, MNF and Foreign Liaison Mission Personnel, and International Consultants and Contractors.

4) The Force Commander shall coordinate with the appropriate institutions of the Government regarding the rules and procedures governing Iraqi civil airspace and will manage the air traffic system for all military and civilian air traffic. The Force Commander will control airspace required for military operations within Iraq for the purpose of deconflicting military and civil uses. The Force Commander shall implement the transfer to civilian control of the airspace over Iraq to the appropriate institutions of the Government in a manner consistent with ensuring the safe and efficient operation of an air traffic management system, with security requirements, and Iraqi national capability to resume control over Iraqi national airspace no later than the MNF departure from Iraq.

Section 8
Customs and Excise

1) The MNF may establish, maintain and operate commissaries, exchanges and morale and welfare facilities at its headquarters, camps and posts for the benefit of MNF Personnel, and, at the discretion of the Force Commander, other non-Iraqi persons who are the subject of this Order, but not of locally recruited personnel. Such commissaries, exchanges and morale and welfare facilities may provide consumable goods and other articles. The Force Commander shall take all reasonable measures to prevent abuse of such commissaries, exchanges and morale and welfare facilities and the sale or resale of such goods to persons other than MNF Personnel. The Force Commander shall give consideration to requests of the Government concerning the operation of the commissaries, exchanges and morale and welfare facilities.

2) MNF, CPA and Foreign Liaison Mission Personnel, International Consultants and Contractors may:

   a) Import, free of duty or other restrictions, and clear without inspection, license, authorization, other restrictions, taxes, customs duties, or any other charges, equipment, provisions, supplies, fuel, technology, and other goods and services, including controlled substances, which are for their exclusive and official or contractual use and for the MNF for resale in the commissaries, exchanges and morale and welfare facilities provided for above;

   b) Re-export unconsumed provisions, supplies, fuel, technology, and other goods and equipment, including controlled substances, without inspection, license, authorization, other restrictions, taxes, customs duties or any other charges, or

otherwise dispose of such items on terms and conditions to be agreed upon with competent Government authorities.

3) An efficient procedure, including documentation, will be coordinated with the Government to expedite importation, clearances, transfer or exportation.

4) MNF, CPA and Foreign Liaison Mission Personnel, International Consultants and Contractors shall be subject to the laws and regulations of Iraq governing customs and foreign exchange with respect to personal property not required by them by reason of their official duties and presence in Iraq. A Sending State's certification that property of MNF, CPA and Foreign Liaison Mission Personnel, International Consultants and Contractors is required by them by reason of their official duties shall be conclusive evidence of the facts so certified.

5) Special facilities will be granted by the Government for the speedy processing of entry and exit formalities for MNF Personnel, including the civilian component, upon prior written notification from the Force Commander.

Section 9
Facilities for the MNF

1) The MNF may use without cost such areas for headquarters, camps or other premises as may be necessary for the conduct of the operational and administrative activities of the MNF. All premises currently used by the MNF shall continue to be used by it without hindrance for the duration of this Order, unless other mutually agreed arrangements are entered into between the MNF and the Government. While any areas on which such headquarters, camps or other premises are located remain Iraqi territory, they shall be inviolable and subject to the exclusive control and authority of the MNF, including with respect to entry and exit of all personnel. The MNF shall be guaranteed unimpeded access to such MNF premises. Where MNF Personnel are co-located with military personnel of Iraq, permanent, direct and immediate access for the MNF to those premises shall be guaranteed.

2) The MNF may use water, electricity and other public utilities and facilities free of charge, or, where this is not practicable, at the most favorable rate, and in the case of interruption or threatened interruption of service, the MNF shall have, as far as possible, the same priority as essential government services. Where such utilities or facilities are not provided free of charge, payment shall be made by the MNF on terms and conditions to be agreed with the competent Government authority. The MNF shall be responsible for the maintenance and upkeep of facilities so provided.

3) The MNF may generate, within its premises, electricity for its use and may transmit and distribute such electricity.

4) There shall be an area within central Baghdad that shall be designated as the "International Zone." The International Zone shall have the boundaries that the MNF has established for this purpose. The MNF shall retain control of the perimeter of the International Zone and all rights of entry and exit, and all matters of security within the International Zone shall be subject to the control of the MNF. The activities and assignment of Iraqi security personnel within the International Zone shall be as mutually agreed upon between the MNF and the Government. Iraqi citizens living within the International Zone will remain subject to Iraqi law. Services, utilities and maintenance not otherwise performed or undertaken by the MNF within the International Zone shall be provided to the MNF by the Government free of charge or at the most favorable rate as agreed between the Force Commander and the Government.

Section 10
Taxation, Provisions, Supplies, Services and Sanitary Arrangements

1) The MNF, Sending States and Contractors shall be exempt from general sales taxes, Value Added Tax (VAT), and any similar taxes in respect of all local purchases for official use or for the performance of Contracts in Iraq. With respect to equipment, provisions, supplies, fuel, materials and other goods and services obtained locally by the MNF, Sending States or Contractors for the official and exclusive use of the MNF or Sending States or for the performance of Contracts in Iraq, appropriate administrative arrangements shall be made for the remission or return of any excise or tax paid as part of the price. In making purchases on the local market, the MNF, Sending States and Contractors shall, on the basis of observations made and information provided by the Government in that respect, avoid any adverse effect on the local economy.

2) Contractors shall be accorded exemption from taxes in Iraq on earnings from Contracts, including corporate, income, social security and other similar taxes arising directly from the performance of Contracts. MNF Personnel, CPA Personnel, Foreign Liaison Mission Personnel and International Consultants shall be accorded exemption from taxes in Iraq on earnings received by them in their capacity as such Personnel and Consultants.

3) The MNF and the Government shall cooperate with respect to sanitary services and shall extend to each other the fullest cooperation in matters concerning health, particularly with respect to the control of communicable diseases, consistent with relevant international law.

Section 11
Recruitment of Local Personnel

The MNF, Sending States and Contractors may recruit, hire and employ locally such personnel as they require. The terms and conditions of recruitment, hiring and

employment by the MNF, Sending States and Contractors shall be determined by respectively the MNF, Sending States and the terms of the Contractor's Contract.

Section 12
Currency

The MNF shall be permitted to purchase from the Government in mutually acceptable currency, local currency required for the use of the MNF, including to pay MNF Personnel, at the rate of exchange most favorable to the MNF.

Section 13
Entry, Residence and Departure

1) MNF, CPA and Foreign Liaison Mission Personnel, and International Consultants shall have the right to enter into, remain in, and depart from Iraq.

2) The speedy entry into and departure from Iraq of MNF, CPA and Foreign Liaison Mission Personnel, Contractors and International Consultants shall be facilitated to the maximum extent practicable. For that purpose, MNF, CPA and Foreign Liaison Mission Personnel, and International Consultants shall be exempt from passport and visa regulations and immigration inspection and restrictions as well as payment of any fees or charges on entering into or departing from Iraq. They shall also be exempt from any regulations governing the residence of aliens in Iraq, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Iraq.

3) For the purpose of such entry or departure, MNF Personnel shall only be required to have: (a) an individual or collective movement order issued by or under the authority of the Force Commander or any appropriate authority of a Sending State providing personnel to the MNF; and (b) a national passport or personal identity card issued by the appropriate authorities of a Sending State providing personnel to the MNF.

4) For the proper performance of Contracts, Contractors shall be provided with facilities concerning their entry into and departure from Iraq as well as their repatriation in time of crisis. For this purpose, there shall promptly be issued to Contractors, free of charge and without any restrictions, all necessary visas, licenses or permits.

Section 14
Uniforms and Arms

While performing official duties, MNF Military Personnel shall wear the national military uniform of their respective Sending States unless otherwise authorized by the Force Commander for operational reasons. The wearing of civilian dress by MNF

Military Personnel may be authorized by the Force Commander at other times. MNF Personnel and Private Security Companies may possess and carry arms while on official duty in accordance with their orders or under the terms and conditions of their Contracts. As authorized by the ambassador or the chargé d'affaires of a Sending State, Diplomatic and Consular personnel may possess and carry arms while on official duty.

Section 15
Identification

Upon request by the Government, a Sending State shall confirm that an individual falls into one of the categories covered by this Order.

Section 16
Permits and licenses

1) A permit or license issued by the MNF, the CPA, Foreign Liaison Missions or Sending States for the operation by their Personnel, including non-Iraqi locally recruited personnel, of any vehicles and for the practice of any profession or occupation in connection with their functions, shall be accepted as valid, without tax or fee, provided that no permit to drive a vehicle shall be issued to any person who is not already in possession of an appropriate and valid license issued by the appropriate authorities of the Sending State.

2) Licenses and certificates already issued by appropriate authorities in other States in respect of aircraft and vessels, including those operated by Contractors exclusively by or for the MNF, the CPA and Foreign Liaison, Diplomatic and Consular Missions shall be accepted as valid.

Section 17
Deceased members

The Force Commander and Sending States may take charge of and transfer out of Iraq or otherwise dispose of the remains of any MNF, CPA and Foreign Liaison Mission Personnel, International Consultants and Contractors who die in Iraq, as well as their personal property located within Iraq.

Section 18
Claims

Except where immunity has been waived in accordance with Section 5 of this Order, third-party claims including those for property loss or damage and for personal injury, illness or death or in respect of any other matter arising from or attributed to acts or omissions of CPA, MNF and Foreign Liaison Mission Personnel, International Consultants, and Contractors or any persons employed by them for activities relating

to performance of their Contracts, whether normally resident in Iraq or not and that do not arise in connection with military operations, shall be submitted and dealt with by the Sending State whose personnel (including the Contractors engaged by that State), property, activities or other assets are alleged to have caused the claimed damage, in a manner consistent with the Sending State's laws, regulations and procedures.

Section 19
Supplemental Arrangements

The Force Commander and the Government may conclude supplemental arrangements or Protocols to this Order and shall ensure close and reciprocal liaison at every appropriate level.

Section 20
Effective Period

This Order shall enter into force on the date of signature. It shall remain in force for the duration of the mandate authorizing the MNF under U.N. Security Council Resolutions 1511 and 1546 and any subsequent relevant resolutions and shall not terminate until the departure of the final element of the MNF from Iraq, unless rescinded or amended by legislation duly enacted and having the force of law.

6/27/04

L. Paul Bremer, Administrator
Coalition Provisional Authority

ANNEX

ARRANGEMENTS CONCERNING
USE OF THE RADIO FREQUENCY SPECTRUM

ARTICLE I: GENERAL PRINCIPLES

1) The Government, including the Iraqi Communications and Media Commission and any successor or other entity with authority relating to radio frequency spectrum in Iraq (collectively referred to as the "Commission"), shall render all decisions planning, managing, allocating and assigning radio frequency spectrum in a manner that recognizes and safeguards the radio frequency spectrum needs of the MNF.

2) Consistent with Sections 5(2)(i) and 5(2)(m) of CPA Order No. 65, the Government, through the Commission, will coordinate with the Force Commander regarding any pending or proposed action or regulatory decision that may affect MNF's use of radio frequency spectrum, in order to ensure that no such actions or decisions will interfere with military requirements necessary in the interest of the national security of Iraq.

3) Nothing contained in this Annex shall be interpreted to abridge or deny the ability of the MNF to utilize existing and future frequency assignments to operate communications, navigation and other military facilities and networks required to facilitate internal operations and to safeguard the security and reconstruction of Iraq.

ARTICLE II: TABLE OF ALLOCATIONS

1) The initial Table of Allocations, which designates bands as Civil, Military or Shared, is attached hereto as Appendix 1. Neither the Government nor the Force Commander may change the Table of Allocations except in accordance with the provisions set forth in this Annex.

2) No changes to the Table of Allocations that reallocate, reassign or otherwise affect the bands designated as Military, the MNF's use thereof, or the MNF's use of frequencies assigned to it in the bands designated as Civil or Shared Uses shall be effective unless agreed to by the Force Commander.

3) Subject to paragraph 2) of this Article II, the Commission may reallocate radio frequency spectrum and/or revise the Table of Allocations in the bands designated as Civil or Shared by providing thirty days' prior written notice to the Force Commander of such reallocation and/or revision.

ARTICLE III: ASSIGNMENT OF RADIO FREQUENCIES

1) The Commission controls the assignment of frequencies in the bands designated as Civil or Shared Uses and serves as the approval authority for frequency assignments in these bands, and shall render its decisions in accordance with these regulations. Except as set forth in this Annex, no person may operate radio transmitting equipment in the bands designated as Civil or Shared without the authorization of the Commission.

2) The Force Commander controls assignment of frequencies in the bands designated as Military and serves as approval authority for these bands. Decisions by the Force Commander regarding assignments in the bands designated as Military are committed to his complete discretion and are not subject to review by the Government. No person may operate radio transmitting equipment in the bands designated as Military without the authorization of the Force Commander.

3) In addition to the use of any bands designated as Military Uses that have been authorized by the Force Commander, the Force Commander shall have the right to retain and request frequency assignments from the Commission whenever necessary, in the bands designated as Civil or Shared. Requests by the Force Commander for frequency assignments in the bands designated as Civil or Shared Uses shall be addressed and coordinated with the Commission in the following manner:

    a. Following June 30, 2004, the military and civil defense forces (including the MNF) will retain the frequency assignments in the bands designated as Civil or Shared that were held immediately prior to that date, including those assignments held by the MNF, which shall retain the assignments previously held by Coalition Forces, and may transfer those assignments to any successor entity for the protection of Iraq's national security.

    b. The Force Commander may submit written requests to the Commission for additional frequency assignments in the bands designated as Civil or Shared Uses. Upon receipt of a written request for frequency assignment(s) from the Force Commander, the Commission will render its written decision to grant or deny such request(s) in a manner that will not interfere with military requirements necessary in the interest of security;

    c. The Commission shall respond in writing to requests for frequency assignments from the Force Commander within thirty days of receipt of such requests to either grant the requested authorization or provide a written explanation of its denial of the request;

    d. If the MNF is not employing a frequency that is assigned to it in a band designated as Civil or Shared, the Commission may request that the unused assignment be returned for reassignment or reallocation, and such request shall

be honored by the Force Commander, unless the Force Commander provides a written statement explaining that the MNF must continue to hold the assignment because of a security interest, such as civil defense or public safety. Such statement, if made by the Force Commander, shall be conclusive.

e. The MNF shall be exempt from any and all requirements to pay recurring or nonrecurring fees for use of radio frequency spectrum, or for requesting and obtaining existing or future frequency assignments, including any administrative, processing or other fees.

f. Requests for frequency assignments by the Force Commander shall be submitted to the Commission in a format agreed to between the Force Commander and the Commission.

g. The Commission will not release any information regarding the MNF's use of radio frequency spectrum to any person (including other Government agencies) without the explicit prior written consent of the Force Commander.

4) The Commission shall protect frequency assignments held by the MNF, Diplomatic and Consular Missions and Contractors from interference.

ARTICLE IV
CHANGES TO THIS ANNEX

1) The terms of this Annex may be changed only upon the written agreement of the Commission and the Force Commander.

2) The Commission and the Force Commander may agree on more detailed procedures, in writing, to carry out the intent of this Annex.

3) The Commission and the Force Commander may each delegate their responsibilities under this Annex to appropriate representatives.