

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2002 Nr. 19

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A. TITEL

*Verdrag tussen de staten die deelnemen in de „Multinational Stand-by High Readiness Brigade for UN Operations” inzake de rechtspositie van hun strijdkrachten;  
Kopenhagen, 13 december 2001*

B. TEKST<sup>1)</sup>

**Agreement among the States participating in the Multinational Stand-by High Readiness Brigade for UN Operations regarding the status of their forces**

The States participating in the Multinational Stand-by High Readiness Brigade for UN Operations (SHIRBRIG):

Recalling the Letter of Intent concerning co-operation on the Multinational United Nations Stand-by Forces High Readiness Brigade, initially signed by Denmark on the 15<sup>th</sup> of December 1996, and

Recalling the Memorandum of Understanding concerning the Steering Committee, initially signed by Denmark on the 9<sup>th</sup> of March 1997, and

Recalling the Memorandum of Understanding concerning the Operation, Funding, Administration and Status of the Planning Element of the Multinational United Nations Stand-by Forces High Readiness Brigade, initially signed by Denmark on the 14<sup>th</sup> of March 1997, and

Recalling the Memorandum of Understanding concerning the Operation, Funding, Administration and Status of the Multinational United Nations Stand-by Forces High Readiness Brigade, initially signed by Denmark on the 16<sup>th</sup> of April 1998;

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<sup>1)</sup> Het voor eensluidend gewaarmerkt afschrift van het Verdrag is nog niet ontvangen. In de hierna volgende tekst kunnen derhalve onjuistheden voorkomen, die in een volgend Tractatenblad zullen worden gecorrigeerd.

Considering that the forces of one State Party to the present Agreement may be sent and received, by separate arrangement, into the territory of another State Party;

Desiring, however, to define the status of such forces while in the territory of another State Party;

Have agreed as follows:

#### Article 1

##### *Definitions*

1. In this agreement the expression:

- a) "SHIRBRIG" means "The Multinational Stand-by Forces High Readiness Brigade for UN Operations", which is a pre-established (non-standing), multinational brigade at high readiness, composed of contributions to the United Nations Stand-by Arrangement System, which in accordance with national decisions can be offered to carry out peace-keeping missions mandated by the United Nations;
- b) "Planning Element" means the multinational element, which is the permanent part of the SHIRBRIG staff, established to support the Brigade by performing pre-deployment functions, and then, on deployment, to become the nucleus of the deployed SHIRBRIG staff;
- c) "SHIRBRIG activities," in addition to daily activities of the Planning Element, shall be deemed to include all pre-deployment activities such as conferences, meetings, training and exercises.

#### Article II

##### *Applicable Documents*

1. Except as otherwise provided for in the present Agreement, the States Parties to the present Agreement:

- a) Regarding the SHIRBRIG activities which take place in the territory of a State Party, shall apply *mutatis mutandis* the provisions of:
  - (i) the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done in London on the 19<sup>th</sup> of June 1951, hereinafter referred to as the NATO SOFA and
  - (ii) the Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces, done in Brussels on the 19<sup>th</sup> of June 1995, hereinafter referred to as the PfP-SOFA, and the Additional Protocol to the PfP SOFA, done in Brussels on the 19<sup>th</sup> of June 1995, hereinafter referred to as the PfP Additional Protocol having regard to reservations and statements made by State Parties to these agreements.
- b) Regarding the activities of the SHIRBRIG Planning Element while on the territory of Denmark shall, in addition to the provisions men-

tioned in paragraph 1(a). of this Article, apply mutatis mutandis the provisions of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, done in Paris on the 28<sup>th</sup> of August 1952, hereinafter referred to as the Paris Protocol.

2. For the purpose of applying mutatis mutandis the provisions of the agreements referred to in paragraph 1 the following interpretations shall apply:

a) With respect to matters in the NOTA SOFA that provide for requests to be submitted to, or differences to be referred to the North Atlantic Council, the Chairman of the North Atlantic Council deputies or an arbitrator, these provisions of the NATO SOFA shall be construed to require the States Parties concerned to settle the matter by resort to Article V of the present Agreement;

b) "Party/Parties to the North Atlantic Treaty" referred to in the applicable documents, means the State Parties to the present Agreement;

c) "North Atlantic Treaty area" referred to in the applicable documents, means the territories of the States Parties to the present Agreement;

d) "Allied Headquarters" referred to in the applicable documents, means the Planning Element of SHIRBRIG,

#### Article III

##### *Claims Procedure*

To ensure reciprocity between the Parties concerning waiver of claims up to a certain amount in accordance with Article VIII paragraph 2 (f) of the NATO SOFA the amount mentioned in that article for Denmark (9,670 DKK) will be governing for all Parties.

#### Article IV

##### *Limitations*

1. The present Agreement is without prejudice to existing international agreements or arrangements.

#### Article V

##### *Settlement of Disputes*

All disputes between the States Parties relating to the interpretation or application of the present Agreement shall be settled by negotiation between them.

#### Article VI

##### *Amendment*

The present Agreement may be amended by the consensus of all the States Parties. Such amendments shall enter into force in accordance with Article VIII paragraph 1 of the present Agreement.

## Article VII

*Ratification and Signature*

1. The present Agreement shall be open for signature by any state that is a signatory to the Memorandum of Understanding concerning the Operation, Funding, Administration and Status of the Planning Element of the Multinational United Nations Stand-by Forces High Readiness Brigade and/or the Memorandum of Understanding concerning the Operation, Funding, Administration and Status for the Multinational United Nations Stand-by Forces High Readiness Brigade.

2. The present Agreement shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Denmark, which shall notify all signatory states of each such deposit.

3. The present Agreement shall be subject to accession by any state that has signed the Memoranda of Understanding as referred to in paragraph 1 after the entering into force of the present Agreement.

## Article VIII

*Entry into Force*

1. Sixty days after three signatory States have deposited their instruments of ratification, acceptance or approval, the present Agreement shall enter into force in respect of those states. It shall enter into force in respect of each other signatory State sixty days after the date of deposit of its instruments of ratification, acceptance or approval. The status of the Planning Element as provided for in Article II subparagraph (b) of the present Agreement shall enter into force after Denmark has ratified the Agreement.

2. Any exchange of notes, concerning the status of the Planning Element of the Multinational United Nations Stand-by Forces High Readiness Brigade and its personnel, between the Government of Denmark and any other signatory States ceases to have effect from the date the present Agreement enters into force between Denmark and the respective signatory State.

3. The present Agreement shall be registered with the Secretary General of the United Nations by the Government of Denmark.

## Article IX

*Withdrawal*

Any State Party may withdraw from the present Agreement by giving written notification of withdrawal to the Government of Denmark, which

will notify all signatory States of each such notification. The withdrawal shall take effect one year after receipt of the notification by the Government of Denmark. After the expiration of this period of one year, the present Agreement shall cease to be in force as regards the party that withdraws, except for the settlement of any outstanding obligations that arose before the day on which the withdrawal takes effects, but shall continue to be in force for the remaining State Parties.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective governments, have signed this agreement.

DONE in Copenhagen this thirteenth day of December 2001 in the English language, in a single original which shall be deposited in the archives of the Government of Denmark. The Government of Denmark shall transmit certified copies thereof to all the signatory States.

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Het Verdrag is op 13 december 2001 te Kopenhagen ondertekend voor de volgende staten:

Denemarken  
Italië  
het *Koninkrijk der Nederlanden*  
Noorwegen  
Roemenië  
Zweden

#### D. PARLEMENT

Het Verdrag behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het Verdrag kan worden gebonden.

#### E. BEKRACHTIGING

Bekrachtiging, aanvaarding of goedkeuring is voorzien in artikel VII, tweede lid.

#### G. INWERKINGTREDING

De bepalingen van het Verdrag zullen ingevolge artikel VIII, eerste lid, in werking treden zestig dagen na de nederlegging van de derde akte van bekrachtiging, aanvaarding of goedkeuring bij de regering van Denemarken voor die drie staten die een akte hebben nedergelegd. Voor

alle andere staten zal het Verdrag zestig dagen na de nederlegging van hun akte van bekrachtiging, aanvaarding of goedkeuring bij de regering van Denemarken in werking treden. De status van de brigadestaf voorzien in artikel II, onderdeel b, van het Verdrag treedt in werking na de bekrachtiging van het Verdrag door Denemarken.

#### J. GEGEVENS

##### Verwijzingen:

- Titel: Verdrag tussen de Staten die partij zijn bij het Noord-Atlantisch Verdrag, nopens de rechtspositie van hun krijgsmachten; Londen, 19 juni 1951  
 Tekst: *Trb.* 1951,114 (Engels en Frans)  
 Vertaling: *Trb.* 1953, 10  
 Laatste *Trb.* : *Trb.* 2001, 28
- Titel: Verdrag tussen de Staten partij bij het Noord-Atlantisch Verdrag en de andere aan het partnerschap voor de vrede deelnemende Staten inzake de rechtspositie van hun krijgsmachten, Brussel, 19 juni 1995; Brussel, 19 juni 1995  
 Tekst: *Trb.* 1996, 74 (Engels, Frans en vertaling)  
 Laatste *Trb.* : *Trb.* 1999, 2
- Titel: Aanvullend Protocol bij het Verdrag tussen de Staten partij bij het Noord-Atlantisch verdrag en de andere aan het partnerschap voor de vrede deelnemende Staten inzake de rechtspositie van hun krijgsmachten; Brussel, 19 juni 1995  
 Tekst: *Trb.* 1996, 74 (Engels, Frans en vertaling)  
 Laatste *Trb.* : *Trb.* 1997, 245
- Titel: Protocol bij het op 19 juni 1951 te Londen gesloten Verdrag tussen de Staten die partij zijn bij het Noordatlantisch Verdrag – nopens de rechtspositie van hun krijgsmachten – nopens de rechtspositie van internationale militaire hoofdkwartieren, ingesteld uit hoofde van het Noordatlantisch Verdrag; Parijs, 28 augustus 1952  
 Tekst: *Trb.* 1953, 11 (Frans, Engels en vertaling)  
 Laatste *Trb.* : *Trb.* 2001, 27
- Titel: Handvest van de Verenigde Naties; San Francisco, 26 juni 1945  
 Tekst: *Trb.* 1979, 37 (Engels en Frans)

Vertaling: *Trb.* 1987, 113 (herziene vertaling)  
Laatste *Trb.* : *Trb.* 1998, 145

Uitgegeven de *vijfentwintigste* januari 2002.

*De Minister van Buitenlandse Zaken,*

J. J. VAN AARTSEN