

25 (2002) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2002 Nr. 107

A. TITEL

Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en de Republiek Kirgizstan inzake de status van het in Kirgizstan gestationeerde Nederlandse defensie-personeel; Almaty/Bishkek, 16 januari/12 maart 2002

B. TEKST

Nr. I

The Royal Netherlands Embassy
Almaty

Almaty, 16 January 2002

Alm/0001/2002

The Royal Netherlands Embassy to the Kyrgyz Republic presents its compliments to the Ministry of Foreign Affairs of the Kyrgyz Republic, and has the honor to refer to recent discussions between representatives of our two governments regarding issues related to Dutch military and civilian personnel of the Ministry of Defence of the Netherlands who may be present in the Kyrgyz Republic in connection with cooperative efforts in response to terrorism, humanitarian assistance and other agreed activities.

1. The Royal Netherlands Embassy has the honor to request assistance and permission to use Kyrgyz Republic facilities, to include Manas International Airport, for humanitarian assistance, combat and combat support for operations in support of Operation Enduring Freedom and, as required, the International Security Assistance Force (ISAF) in Afghanistan. The Government of the Kingdom of the Netherlands will

coordinate activities at Manas International Airport with the Ministry of Transport and Communications, airport authorities, and other appropriate authorities to ensure that operations and activities do not interfere with civilian flight operations.

2. As a result of these discussions, the Embassy proposes that such personnel be accorded a status equivalent to that accorded to the administrative and technical staff of the Royal Netherlands Embassy under the Vienna convention on diplomatic relations of April 18, 1961; that Dutch personnel be permitted to enter and exit the Kyrgyz Republic with Dutch identification and with collective movement or individual travel orders; that the Kyrgyz authorities shall accept as valid, without a driving fee or test, driving licenses or permits issued by the appropriate Dutch authorities to Dutch personnel for the operation of vehicles; and that such personnel be authorized to wear uniforms while performing official duties and to carry weapons when their orders call for it.

3. The Embassy further proposes that vehicles and aircraft owned or operated by or for the Armed Forces of the Kingdom of the Netherlands shall not be subject to the payment of landing, navigation, overflight or parking charges, overland transit fees, or similar charges while in the Kyrgyz Republic; however, the Armed Forces of the Kingdom of the Netherlands shall pay reasonable charges for services requested and received. In this respect the Kingdom of the Netherlands agrees that Manas International Airport shall be designated as a commercial airport and as such Government of the Netherlands aircraft will pay reasonable fees, based upon International Civil Aviation Organization (ICAO) schedules, for parking and landing at this airport. Aircraft and vehicles of the Netherlands shall be free of inspections.

4. The Government of the Kingdom of the Netherlands, its military and civilian personnel, contractors and contractor personnel shall not be liable to pay any tax or similar charge assessed within the territory of the Kyrgyz Republic.

5. The Government of the Kingdom of the Netherlands, its military and civilian personnel, contractors and contractor personnel may import into, export out of, and use in the Kyrgyz Republic any personal property, equipment, supplies, materials, technology, training or services required to implement this agreement. Such importation, exportation and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes or any other charges assessed within the territory of the Kyrgyz Republic. The Governments of the Kingdom of the Netherlands and of the Kyrgyz Republic shall cooperate in taking such steps as shall be necessary to ensure the security of Dutch personnel and property in the territory of the Kyrgyz Republic.

6. In the event that the Government of the Kingdom of the Netherlands awards contracts for the acquisition of articles and services, including construction, to implement this agreement, such contracts shall

be awarded in accordance with the laws and regulations of the Government of the Kingdom of the Netherlands. Acquisition of articles and services in the Kyrgyz Republic by or on behalf of the Government of the Kingdom of the Netherlands in implementing this agreement shall not be subject to any taxes, customs duties or similar charges in the territory of the Kyrgyz Republic.

7. The Government of the Kyrgyz Republic recognizes the particular importance of disciplinary control by Dutch military authorities over Dutch personnel and, therefore, the Government of the Kyrgyz Republic authorizes the Government of the Kingdom of the Netherlands to exercise criminal jurisdiction over such personnel.

8. The Government of the Kyrgyz Republic recognizes that it shall be necessary for Dutch personnel and systems to use the appropriate frequencies of the radio spectrum. The Government of the Kingdom of the Netherlands shall be allowed to operate its own telecommunication systems (as telecommunication is defined in the 1992 constitution of the international telecommunication union). This shall include the right to utilize such means and services as required to assure full ability to operate telecommunication systems, and the right to use all necessary radio spectrum for this purpose. Use of radio spectrum owned by the Government of the Kyrgyz Republic shall be free of cost. Privately owned frequencies will be compensated for by mutual agreement of parties.

9. The Embassy proposes that, other than contractual claims, the parties waive any and all claims against each other for damage to, loss or destruction of property owned by each party, or death or injury to any military or civilian personnel of the Armed Forces of either party, arising out of activities in the Kyrgyz Republic under this document. The Government of the Kingdom of the Netherlands shall pay, in accordance with Dutch law, fair and reasonable compensation in settlement of meritorious claims by third parties, as determined by the Government of the Kingdom of the Netherlands, arising out of acts or omissions of Dutch personnel, or which are otherwise incident to noncombat activities of the Armed Forces of the Kingdom of the Netherlands under this Agreement.

10. Finally, the Embassy proposes that the Agreement herein proposed shall have a term of one year from the date of entry into force and thereafter shall continue to be in force unless terminated by either Party on 30 days written notice through the diplomatic channels.

11. If the foregoing is acceptable to the Government of the Kyrgyz Republic, the Embassy proposes that this note, together with the Ministry's reply to that effect, shall constitute an Agreement between the two Governments that will be applied provisionally after the receipt by the Royal Netherlands Embassy to the Kyrgyz Republic of a note from the Ministry of foreign Affairs of the Kyrgyz Republic, and shall finally enter into force upon notification by the Government of the Kyrgyz

Republic to the Government of the Kingdom of the Netherlands that it has completed all of its internal procedures for entry into force.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kyrgyz Republic the assurances of its highest consideration.

*To the Ministry of Foreign Affairs of the Kyrgyz Republic
Bishkek
Kyrgyz Republic*

Nr. II

(unofficial translation)

Ministry of Foreign Affairs of the Kyrgyz Republic

Bishkek, March 12, 2002

N°. 011-19/385

The Ministry of foreign affairs of the Kyrgyz Republic presents its compliments to the Embassy of the Kingdom of the Netherlands in the Kyrgyz Republic and has the honor to confirm the receipt of the note of the Embassy Nr. Alm-0001/2002 dated January 16, 2002 with the following text:

(Zoals in Nr. I)

With reference to that the Ministry has the honor to inform the Embassy about the agreement of the Government of the Kyrgyz Republic with proposals made in the note of the Embassy and confirms that the note of the Embassy and the present response constitute an Agreement between the Government of the Kyrgyz Republic and the Government of the Kingdom of the Netherlands.

The Ministry avails itself of the present opportunity to renew to the Embassy the assurances of its highest consideration.

*The Royal Netherlands Embassy
Almaty*

D. PARLEMENT

Het in de nota's vervatte verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zullen ingevolge het in punt 11 van nota Nr. I gestelde in werking treden op het moment van kennisgeving door de regering van de Republiek Kirgizstan aan de regering van het Koninkrijk der Nederlanden dat de interne procedures voor inwerkingtreding zijn voltooid.

De bepalingen van het in de nota's vervatte verdrag worden ingevolge het in punt 11 van nota Nr. I gestelde vanaf 12 maart 2002 voorlopig toegepast.

Wat het Koninkrijk der Nederlanden betreft, geldt het verdrag alleen voor Nederland.

J. GEGEVENS**Verwijzingen**

De Organisatie van Internationale Burgerluchtvaart, naar welke Organisatie wordt verwezen in paragraaf 3 van brief Nr. I, is ingesteld bij het op 7 december 1944 te Chicago totstandgekomen Verdrag inzake de internationale burgerluchtvaart. De tekst van dit Verdrag is geplaatst in *Stb.* H 65 en de vertaling, zoals bijgewerkt tot en met de wijzigingen van 21 juni 1961, is geplaatst in *Trb.* 1973, 109.

Van het op 18 april 1961 te Wenen totstandgekomen Verdrag van Wenen inzake diplomatiek verkeer, naar welk Verdrag in de tweede paragraaf van brief Nr. I wordt verwezen, zijn de Engelse en Franse tekst geplaatst in *Trb.* 1962, 101 en de vertaling in *Trb.* 1962, 159.

Titel	: Verdrag inzake de internationale burgerluchtvaart; Chicago, 7 december 1944
Tekst	: <i>Stb.</i> H 65 (bijgewerkte vertaling in <i>Trb.</i> 1973, 109)
Laatste Trb	: <i>Trb.</i> 1999, 108
Titel	: Verdrag van Wenen inzake diplomatiek verkeer; Wenen, 18 april 1961
Tekst	: <i>Trb.</i> 1962, 101 (Engels en Frans) <i>Trb.</i> 1962, 159 (vertaling)
Laatste Trb	: <i>Trb.</i> 1994, 212

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het onderhavige verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *eenentwintigste* juni 2002.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN