

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2002 Nr. 207

A. TITEL

Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en de Republiek Tadzjikistan inzake de status van het in Tadzjikistan gestationeerde Nederlandse defensie-personeel; Almaty/Dushanbe, 26 september/17 oktober 2002

B. TEKST

Nr. I

Ambassade van het
Koninkrijk der Nederlanden

Almaty, September 26, 2002

Alm-1413/2002

The Embassy of the Kingdom of the Netherlands in Tadjikistan presents its compliments to the Ministry of Foreign Affairs of the Republic of Tadjikistan and, with reference to the talks between the representatives of our two Governments that led to the specification of the conditions for the deployment and temporary stationing of armed forces of the Kingdom of the Netherlands on the territory of the Republic of Tadjikistan in accordance with United Nations Security Council resolutions 1368 and 1373, for the purpose of participating in operations to combat international terrorism, hereafter referred to as "the Operations", has the honour to propose the following provisions.

1. While stationed on the territory of the Republic of Tadjikistan, the members of the armed forces of the Kingdom of the Netherlands, who shall conform to the laws and practices prevailing in the Republic of Tadjikistan, shall enjoy immunities from jurisdiction and execution identical to those accorded to members of the administrative and technical staff of diplomatic missions by the Vienna Convention on Diplomatic Relations of 18 April 1961.

2. Within the framework of operations undertaken from the territory of the Republic of Tadjikistan, members of the armed forces of the Kingdom of the Netherlands are authorised to enter the territory of the Republic of Tadjikistan when bearing their military identity cards. The equipment and supplies needed for the execution of operations by the armed forces of the Kingdom of the Netherlands shall be exempt from all fees and duties both when entering and when leaving the territory of the Republic of Tadjikistan.

3. The Government of the Republic of Tadjikistan shall permit passage and navigation over its territory and landing on its territory by aircraft of the armed forces of the Kingdom of the Netherlands coming from abroad to be stationed on its territory. The aircraft of the Kingdom of the Netherlands stationed on the territory of the Republic of Tadjikistan and taking part in the Operations shall be permitted free passage over the territory of the Republic of Tadjikistan for the entire period that they are stationed on the territory of the Republic of Tadjikistan, in accordance with the flight corridors agreed on in advance.

4. The Government of the Republic of Tadjikistan shall permit the members of the Kingdom of the Netherlands to establish a command centre at a location to be determined in advance by the Dutch and Tadjik armed forces. The armed forces of the Kingdom of the Netherlands are authorised to maintain and operate an independent communications system for purposes of the Operations; the frequencies to be used shall be allocated by the Tadjik authorities. The armed forces of the Kingdom of the Netherlands may make use of the radio spectrum free of charge.

5. The members of the armed forces of the Kingdom of the Netherlands shall remain under Dutch command and are authorised to perform their duties in the uniform and with the rank and insignia proper to the Dutch armed forces. The disciplinary procedures applicable to the armed forces of the Kingdom of the Netherlands shall remain in effect.

6. The members of the armed forces of the Kingdom of the Netherlands are authorised to operate motor vehicles on the territory of the Republic of Tadjikistan of the categories that they are authorised to drive in the Netherlands.

7. The death of any member of the armed forces of the Kingdom of the Netherlands on the territory of the Republic of Tadjikistan shall be reported to the authorities with territorial competence. The representatives of the Netherlands may take possession of the remains as soon as they have received permission from the authorities of the Republic of Tadjikistan. The remains shall be transported in accordance with the legislation in force in Tadjikistan.

8. The members of the armed forces of the Kingdom of the Netherlands are entitled, on payment, to both civilian and military Tadjik medi-

cal care and to emergency evacuation by military means subject to the same conditions as apply to the members of the armed forces of the Republic of Tadjikistan.

9. The armed forces of the Kingdom of the Netherlands are authorised, for purposes of the Operations, to possess arms and ammunition. The said arms and ammunition shall be stored and guarded in accordance with the Dutch rules in force. The members of the armed forces of the Kingdom of the Netherlands are authorised to carry arms for the sole purpose of operations undertaken from the territory of the Republic of Tadjikistan.

10. Each Party shall provide compensation for any damage done to goods, civilians or members of the armed forces of the other Party, including fatal injury, while personnel and equipment of the armed forces of the Kingdom of the Netherlands are stationed on the territory of the Republic of Tadjikistan.

11. Compensation for damage to third parties not resulting from an operational necessity and caused by the armed forces of the Kingdom of the Netherlands shall be provided by the Government of the Kingdom of the Netherlands. If judicial proceedings are instituted in relation to such damage, the Government of the Republic of Tadjikistan shall take the place of the Kingdom of the Netherlands for the purposes of those proceedings. In such a case, the Government of the Kingdom of the Netherlands shall reimburse the Republic of Tadjikistan for compensation paid for the damage, including legal costs.

12. At the request of the armed forces of the Kingdom of the Netherlands, the Government of the Republic of Tadjikistan shall, in so far as it possesses the means to do so, provide the logistical support needed for the Operations, comprising in particular quarters, food supplies and local transport provided in return for payment.

13. Any dispute between the Parties regarding the application or interpretation of this Agreement shall be resolved solely by means of negotiation between the Parties.

14. This Agreement shall have effect for a year after the date of its entry into force and shall remain in effect until the receipt of written notification by one of the Parties through diplomatic channels, 30 days prior to its expiry.

The Embassy proposes to the Ministry of Foreign Affairs of the Republic of Tadjikistan that this Note and the Note from the Ministry in reply form an agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Tadjikistan regarding the conditions for the deployment and temporary stationing on the territory of the Republic of Tadjikistan of armed forces of the Kingdom of the Netherlands taking part in operations to combat international terrorism. This Agreement shall enter into force on the date of the Ministry's reply.

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

*Ministry of Foreign Affairs of the Republic of Tadjikistan
Dushanbe*

Nr. II

The Ministry of Foreign Affairs
Republic of Tadjikistan

Dushanbe, October 17, 2002

The Ministry of Foreign Affairs of the Republic of Tadjikistan presents its compliments to the Embassy of the Kingdom of the Netherlands to the Republic of Tadjikistan and has the honour to confirm the receipt of Note Alm-1413/2002 of September 26, 2002, reading as follows:

(Zoals in Nr. I*)

The Ministry has the honour to inform the Embassy that it accepts the Embassy's proposal. Accordingly, the Ministry is in agreement that the Note from the Embassy and this Note in reply shall form an Agreement between the Government of the Republic of Tadjikistan and the Government of the Kingdom of the Netherlands. This Agreement shall enter into force on the date of this reply.

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

*The Embassy of the Kingdom of the Netherlands
to the Republic of Tadjikistan
Almaty*

*) De eerste zin van punt 2 in deze nota is niet volledig gelijk aan die van de eerste nota. De tekst van deze zin is als volgt gewijzigd:

“... members of the armed forces of the Kingdom of the Netherlands are authorized to enter *and to leave* the territory of the Republic of Tadjikistan”

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 zijn ingevolge het in de op één na laatste alinea van brief Nr. II gestelde op 17 oktober 2002 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt het in de nota's vervatte verdrag alleen voor Nederland.

J. GEGEVENS

Titel : Verdrag van Wenen inzake diplomatiek verkeer;
Wenen, 18 april 1961
Tekst : *Trb.* 1962, 101 (Engels en Frans)
Trb. 1962, 159 (vertaling)
Laatste *Trb.* : *Trb.* 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 *twintigste* november 2002.

De Minister van Buitenlandse Zaken,

J. G. DE HOOP SCHEFFER