

BASIC AGREEMENT

Between the Republic of Macedonia and NATO
for the Operation of NATO Missions in Macedonia*

Bearing in mind that the decision for the establishment of a Headquarters on the territory of the Republic of Macedonia will be subject of a separate arrangement;

Considering the NATO Kosovo Verification Agreement between the North Atlantic Treaty Organization and the Federal Republic of Yugoslavia signed on 15 October 1998;

Considering that the UN Security Council Resolution 1203, as adopted by the Security Council at its 3937th the meeting, on 24 October 1998, acting under Chapter VII of the Charter of the United Nations, endorses and supports the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the OSCE, and on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its Resolution 1199 (1998), and demands the full and prompt implementation of these agreements by the Federal Republic of Yugoslavia;

Considering the establishment of Headquarters on the territory of the Republic of Macedonia will further strengthen the relationship between the Republic of Macedonia and NATO;

Realizing that the purpose of the privileges and immunities as provided for in the present Agreement is not to benefit individuals but to ensure the efficient performance of the Operation;

Desiring to establish the necessary arrangements for the operation of any Headquarters as established and led by NATO.

1. For the purpose of the present Agreement the following expressions shall have the meanings hereunder assigned to them:

"The Government" means the Government of the Republic of Macedonia;

"NATO" means the North Atlantic Treaty Organization, its subsidiary bodies, its military Headquarters and all its constituent national elements/units acting in support of, preparing and participating in the operation of a Headquarters;

"Territory" means the territory of the Republic of Macedonia;

"Franchise" means any document whereby exemption from payment of taxes, customs, duties and other tax liabilities shall be provided;

"Official Use" means any use of goods purchased or of the received services intended for the performance of any function as required by the operation of the Headquarters;

"Competent Organs" means organs of the authorities of the Republic of Macedonia which are designated by the Government to address certain issues about which the Government shall inform the Headquarters;

"Applicable Legislation" means the legislation in force on the territory of the Republic of Macedonia;

"Operation", means the support, implementation, preparation, participation and execution by NATO and NATO personnel in furtherance of tasking directed by the North Atlantic Council and led by NATO;

"Headquarters" means any entity, whatever its denomination, established in order to fulfil the Operation, which term includes, inter alia, military headquarters, forces and its personnel;

"NATO personnel" means the military and civilian personnel of the North Atlantic Treaty Organization and its member States with the exception of personnel locally hired;

"Contractor personnel" means persons from companies registered in NATO member States being engaged by NATO or by the Headquarters in support of the Operation;

"Facilities" means all buildings, structures, premises and land required for conducting the operational, training and administrative activities by NATO for the Operation as well as for accommodations of NATO personnel.

2. The expressions: "force", "civilian component", "sending state", "military authorities of the sending state" and "North Atlantic Council" shall be interpreted as defined in Article 1 of the Agreement among the Parties to the North Atlantic Treaty on the Status of their Forces, concluded in London on 19 June 1951, in accordance with Article 1 of 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, concluded in Brussels on 19 June 1995 (hereafter PfP SOFA).

3. NATO may establish Headquarters on the territory of the Republic of Macedonia in order to fulfil its Operation.

The Headquarters, its NATO personnel, properties, funds and assets shall enjoy, mutatis mutandis, the privileges, facilities and immunities as defined in the Vienna Convention on Diplomatic Relations, dated 18 April 1961, except as otherwise provided in the present Agreement.

4. The Republic of Macedonia will offer its economic potential and Headquarters will endeavour, whenever possible, to take advantage of such economic potential subject to the requirements of the Operation.

5. The Headquarters may display its markings (coat of arms, title and official symbols) in the area of its instalment, on vehicles and transport facilities, as well as on the usual place on the uniforms, according to the Headquarters criteria. In the area of its instalments, the official nameplate shall also contain the translation in the Macedonian language with identical character size.

6. The Headquarters and NATO shall enjoy inviolability of the premises, archives and documents including all official correspondence wherever located. The Headquarters may use diplomatic couriers and envoys.

7. (a) Senior NATO military personnel, having the rank of Major and above and NATO civilians A4 and above, are considered as diplomatic staff as defined in the Vienna Convention on Diplomatic Relations dated 18 April 1961.

(b) NATO military personnel not covered by the provisions of sub-paragraph (a) of this paragraph in accordance with the functions to be exercised, are considered as administrative and technical staff, or service staff, as defined in the Vienna Convention on Diplomatic Relations dated 18 April 1961, but to the extent that jurisdiction of the Republic of Macedonia is applicable, shall be subject to the provisions of Article VII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, concluded in London on 19 June 1951.

(c) Civilian personnel not covered by the provisions of sub-paragraph (a) of this paragraph, falling within the category of administrative and technical staff or service staff as defined in the Vienna Convention on Diplomatic Relations dated 18 April 1961, who are not nationals or permanent residents of the Republic of Macedonia, shall enjoy immunity from civil, administrative and criminal jurisdiction only in respect of words spoken or written and of acts done by them in their official capacity.

(d) It is the duty of all the members of the Headquarters to respect the law of the Republic of Macedonia and to abstain from any activity inconsistent with the spirit of the present Agreement, in particular from any political activity in the Republic of Macedonia. It is also the duty of the Headquarters to take necessary measures to that end.

8. Claims for damages or injury to the Republic of Macedonia Government personnel or property, or to private persons or property shall be processed in accordance with Article VIII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, applicable in conformity with Article 1 of the PfP SOFA notwithstanding the fact that NATO member State is not a Party to the PfP SOFA.

9. (a) All operative and technical issues in connection with the application of this Agreement shall be resolved at the regular meetings of a Joint Coordinative Group. This Group shall be composed of the Coordinative Body formed by the Republic of Macedonia and of the Focal Points of Contact composed by the NATO Headquarters. The names of the representatives participating in the meeting of the Joint Coordinative Group will be notified to the other side in advance.

(b) A Joint Committee will also be established, if requested by one of the Parties, in order to review the implementation of this Agreement. It will be composed of the Representatives from the Ministry of Foreign Affairs of the Republic of Macedonia and NATO relevant authorities.

10. Failing any prior settlement, disputes with regard to the interpretation or application of the present Agreement shall be settled between the Republic of Macedonia and NATO Representatives by diplomatic means.

11. Within the framework of present Agreement, operational and technical issues will be dealt with in separate annexes to be attached to the present Agreement. Those annexes will deal, inter alia, with the following issues:

- The status of local staff;
- Tax exemption;
- Customs exemption;
- Military police and mutual assistance;
- Uniforms and weapons;
- Border-crossing and movement throughout the territory;
- Communication and communication systems;
- Protection of the environment and cultural treasures;

12. The present Agreement may be terminated by either of the Parties by three months prior written notice.

However, the present Agreement remains in force for the Operation started prior to the notice of termination.

The present Agreement may be amended on a basis of mutual agreement.

* The Basic Agreement was concluded by Exchange of Letters between the Minister of Foreign Affairs of the Republic of Macedonia, Aleksandar Dimitrov, and the NATO Secretary General, Javier Solana and entered into force on 24 December 1998. The Document is available on the Ministry's of Foreign Affairs of the Republic of Macedonia web site - www.mnr.gov.mk