

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

FRAMEWORK AGREEMENT
BETWEEN
THE GOVERNMENT OF AUSTRALIA
AND
THE GOVERNMENT OF THE REPUBLIC OF
TURKEY
ON
COOPERATION IN MILITARY FIELDS

Canberra, 13 June 2006

Not yet in force
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FRAMEWORK AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE GOVERNMENT OF AUSTRALIA ON COOPERATION IN MILITARY FIELDS

The Government of Australia and the Government of the Republic of Turkey (hereinafter referred to individually as a "Party" and collectively as the "Parties")

Affirming their commitment to the purposes and principles of the UN Charter,

Having regard to the fact that the cooperation of the Parties in various military fields on the basis of sovereignty and equality of both Parties will contribute to the common interests of both nations,

Desiring to develop the already friendly relations between them in accordance with the principles of international law,

Acknowledging their intention to fulfill their international commitments,

Have agreed as follows:

ARTICLE-I PURPOSE

The purpose of this Agreement is to establish a framework for relations between the Parties within the respective responsibilities of the competent authorities in the fields outlined in Article IV and to determine the basis for cooperation between the Parties.

ARTICLE-II SCOPE

Subject to their respective countries' laws, regulations and national policies, the Parties shall develop their military relations by cooperating in the fields set out in Article IV and in other fields to be determined by the implementation agreements and arrangements to be made pursuant to this Agreement. The term "military" will refer to all areas within the responsibilities of the Parties' competent authorities.

ARTICLE-III DEFINITIONS

1. The terms used in this Agreement have the following meanings:

a. "Sending State" means the State that sends Guest Military Personnel, its Civilian Component and Dependants, materiel and equipment to the Receiving State for the purposes of this Agreement;

b. "Receiving State" means the State in the territory of which the Guest Military Personnel, its Civilian Component and Dependants, materiel and equipment of the Sending State are located for the purpose of implementing this Agreement.

c. "Guest Military Personnel" means any person, body, contingent or detachment of the armed forces of one Party, who, with the consent of the other Party, is present in the territory of the other Party.

d. "Dependant" means a person, not being a citizen of the Receiving State or a person ordinarily resident in the Receiving State, who is not a member of the Guest Military Personnel or the Civilian Component, and who:

i. is the spouse of a member of the Guest Military Personnel or Civilian Component;

ii. is wholly or mainly maintained by a member of the Guest Military Personnel or Civilian Component;

iii. is in the custody, care or charge of a member of the Guest Military Personnel or Civilian Component; or

iv. is one of the family of a member of the Guest Military Personnel or Civilian Component residing with the member of the Guest Military Personnel or Civilian Component.

e. "Civilian Component" means persons who are accompanying the Guest Military Personnel who are not members of the Guest Military Personnel, nor citizens of, nor ordinarily resident in, the Receiving State, but who are:

i. Serving with an organisation that, with the approval of the Government of the Receiving State, is accompanying the Guest Military Personnel; or

ii. In accordance with the law of the Sending State, subject to the service law of the Sending state.

ARTICLE-IV MILITARY COOPERATION FIELDS

1. Subject to their respective countries' laws, regulations and national policies, and subject to any other Agreements or Arrangements to which either is party, the Parties shall further facilitate their military relations by undertaking cooperative activities between them as they may mutually determine, including in the following military fields;

- a. Cooperation in training and education,
- b. Cooperation between the Land Forces, Naval Forces and the Air Forces,
- c. Reciprocal high level visits,
- d. Conduct of military exercises and exchange of observers for exercises,
- e. Cooperation in the intelligence field,
- f. Cooperation in logistics, support services and infrastructure fields,
- g. Cooperation in defence materiel and equipment, including development, production and industry,
- h. Cooperation in the field of communication, electronics and information systems,
- i. Cooperation in the field of peacekeeping operations and armed conflict law training,
- j. Social, sports, cultural and historical aimed activities.
- k. Other areas to be mutually determined by the Parties.

ARTICLE-V COMPETENT AUTHORITIES

The competent authorities for the implementation of this Agreement are:

For the Government of the Republic of Turkey: Turkish General Staff

For the Government of Australia: Department of Defence

ARTICLE-VI IMPLEMENTATION

1. This Agreement shall be implemented by cooperative activities, the details of which shall be set out in separate arrangements or agreements pursuant to this Agreement, to be mutually determined by the Parties.
2. In the event of inconsistency between the provisions of this Agreement and an arrangement concluded pursuant to this Agreement the provisions of this Agreement will prevail.
3. Once the Parties mutually determine to undertake a cooperative activity pursuant to this Agreement, they shall mutually determine the name and scope of the cooperative activity, where and when the cooperative activity will be carried out, the sponsoring agencies, financial matters and other details as mutually determined by the Parties. Proposed cooperative activities may be made agenda items for defence or military talks held between the Parties.
4. All cooperative activities will be undertaken in the spirit of reciprocity and will be for the mutual benefit of both Parties.
5. Cooperation between the Parties shall be strengthened through mutual visits as mutually determined by the Parties.

ARTICLE-VII THE SECURITY OF CLASSIFIED INFORMATION, DOCUMENTS AND MATERIAL

1. All classified information, documents and material provided or generated under this Agreement shall be stored, handled, used, produced, exchanged, or communicated in accordance with subsequent agreements or arrangements which are concluded between the Parties.
2. Each Party shall protect and safeguard the classified information, documents and material, which may be exchanged or provided under this Agreement by the other Party.
3. The classified information, documents and material may only be disclosed to third parties with the prior written consent of the releasing Party.
4. The receiving Party shall afford the information provided by the releasing Party the degree of protection equivalent to that afforded by the releasing Party.

ARTICLE- VIII RESPECT FOR THE LOCAL LAW AND JURISDICTION

1. The Sending State shall take appropriate measures to ensure that its Guest Military Personnel, Civilian Component and Dependants;
 - a. Respect the law of the Receiving State; and
 - b. Abstain from any activities inconsistent with this Agreement.
2. Subject to the remainder of this Agreement and unless otherwise stipulated in subsequent agreements and arrangements, members of the Guest Military Personnel and of its Civilian Component and Dependants shall be subject to the law of the Receiving State.
6. The Receiving State shall promptly notify the Sending State of the arrest of any of the Guest Military Personnel or Civilian Component or a Dependant.
7. Whenever any of the Guest Military Personnel, Civilian Component or a Dependant is prosecuted or tried by the Receiving State, he or she shall be entitled to all generally accepted procedural safeguards no less than those provided to the nationals of the Receiving State.

9. At the request of the Receiving State the activities of a member of the Guest Military Personnel or Civilian Component shall be terminated in the event of a breach of the Receiving State's law by that member.

ARTICLE IX DISCIPLINARY JURISDICTION

1. The Sending State shall have exclusive disciplinary jurisdiction over the Guest Military Personnel and Civilian Component who are subject to the service law of the Sending State while in the territory of the Receiving State.

2. The Sending State shall have the right to exercise disciplinary jurisdiction conferred on them by the law of the Sending State over the Guest Military Personnel and Civilian Component, who are subject to the service law of the Sending State, within the territory of the Receiving State.

ARTICLE-X ADMINISTRATIVE MATTERS

1. Unless otherwise mutually determined by the Parties, the Receiving State shall not assign duties to the Guest Military Personnel other than those specified in this Agreement, or subsequent agreements and arrangements.

2. The Guest Military Personnel shall wear the uniform and military insignia of their armed forces, while performing their official duties in accordance with the regulations in force in their armed forces.

ARTICLE-XI MISCELLANEOUS

1. The Sending State reserves the right to call back its personnel when it deems necessary in accordance with the law of the Receiving State, provided that such repatriation is in accordance with Article VIII(2), and will consult with the Receiving State accordingly. The Receiving State shall take necessary measures to realise the action as soon as it gets the request.

2. The Parties shall immediately inform each other in the event of the death of a member of the Guest Military Personnel or Civilian Component in the Receiving State. Subject to the law of the Receiving State, the Sending State shall have the right to take and retain charge of and make arrangements for the disposition of the body of any Guest Military Personnel or Civilian Component who die in the Receiving State. If requested and where circumstances permit, the Receiving State shall assist with arrangements for the return of the body to the Sending State.

ARTICLE-XII MEDICAL SERVICES

1. All Guest Military Personnel, Civilian Component and Dependants shall have received all necessary inoculations and shall have been screened and found free of communicable diseases before they proceed to the Receiving State.

2. The Guest Military Personnel and Civilian Component will be medically and dentally fit to conduct any activity pursuant to this Agreement.

3. Unless otherwise mutually determined, any medical or dental treatment provided in facilities of the Receiving State or by personnel of the Receiving State on request shall be provided on a full cost recovery basis.

ARTICLE-XIII FINANCIAL MATTERS

1. The Sending State shall be responsible for the salary and allowances and entitlements of the Guest Military Personnel and Civilian Component.

ARTICLE- XIV FOREIGN EXCHANGE CONTROL

1. Subject to paragraph 2. of this Article, the Guest Military Personnel, Civilian Component and Dependants shall remain subject to the foreign exchange regulations of the Sending State and shall also be subject the foreign exchange regulations of the Receiving State.

2. The Government of the Receiving State shall freely permit the remittance into and out of the Receiving State of:

- a. Any official funds of the Guest Military Personnel; and
- b. Any funds derived by the Guest Military Personnel, Civilian Component or a Dependant from:
 - (1) Service with or employment by the Guest Military Personnel; or
 - (2) Sources outside the Receiving State, subject to any law or policies of the Sending State.

ARTICLE- XV CLAIMS

1. Each Party shall waive all its claims against the other Party for damage (including the loss of use) to any property owned by it and used by its armed forces where such damage or loss arose out of or in the course of the performance of official duties except where such damage or loss resulted from gross negligence or willful misconduct. The Parties shall mutually determine whether or not such damage or loss arose out of or in the course of the performance of official duties, gross negligence or willful misconduct.

2. Each Party shall waive all its claims against the other Party for injury or death suffered by any of its personnel while such personnel were engaged in the performance of their official duties except where such injury or death resulted from willful misconduct or gross negligence.

3. All other claims including third party claims shall be handled in accordance with the law of the Receiving State.

4. At the request of the Sending State and where possible, the Receiving State shall assume a coordination role between the third party and the Sending State to facilitate the settlement of third party claims.

ARTICLE-XVI ENTRY, DEPARTURE, IMPORTATION AND EXPORTATION

The Guest Military Personnel, Civilian Component and Dependants shall be subject to the law of the Receiving State in respect of entry, departure, importation and exportation.

ARTICLE-X VII SETTLEMENT OF DISPUTES

Any dispute concerning the implementation or interpretation of this Agreement, shall be resolved by consultation and negotiation between the Parties and shall not be referred to any international tribunal or other third party for settlement.

ARTICLE-XVIII AMENDMENT AND REVISION

Either Party may propose amendment to, or revision of, this Agreement in writing to the other Party.

The Parties shall commence negotiations regarding the amendment or revision of this Agreement within sixty (60) days from the date of the receipt of a written proposal by the other Party. Any revisions or amendments agreed upon in writing by the Parties shall enter into force in accordance with Article XX.

ARTICLE-XIX
DURATION AND TERMINATION

1. Either Party may terminate this Agreement by providing the other Party with ninety (90) days written notice.
2. Subject to paragraph 1, this Agreement shall remain in force for a period of one year from the date of its entry into force and shall be automatically extended for successive one-year terms.
3. The commitments of the Parties for claims and protection of classified information shall survive any termination of this Agreement.

ARTICLE-XX
ENTRY INTO FORCE

This Agreement shall enter into force on the date of the receipt of written notification sent by the Parties that all procedures for entry into force have been complied with in accordance with their national law.

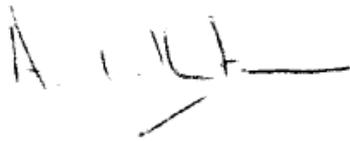
ARTICLE-XXI
TEXT AND SIGNATURE

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

DONE in duplicate at Canberra on the thirteenth day of June, 2006, in the English and Turkish languages, both texts being equally authentic.

ON BEHALF OF THE GOVERNMENT OF
AUSTRALIA:

ON BEHALF OF THE GOVERNMENT OF
THE REPUBLIC OF TURKEY:



Air Chief Marshall A G Houston
Chief of the Defence Force



General Hilmi Özkök
Commander of the Turkish Armed Forces