

No. 47745

**Australia
and
Turkey**

Framework Agreement between the Government of the Republic of Turkey and the Government of Australia on cooperation in military fields. Canberra, 13 June 2006

Entry into force: *11 December 2009 by notification, in accordance with article XX*

Authentic texts: *English and Turkish*

Registration with the Secretariat of the United Nations: *Australia, 14 September 2010*

**Australie
et
Turquie**

Accord cadre relatif à la coopération en matière militaire entre le Gouvernement de la République turque et le Gouvernement de l'Australie. Canberra, 13 juin 2006

Entrée en vigueur : *11 décembre 2009 par notification, conformément à l'article XX*

Textes authentiques : *anglais et turc*

Enregistrement auprès du Secrétariat des Nations Unies : *Australie, 14 septembre 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

**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.
- ¹ 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.
- ² 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

¹Should read "3" -- Devrait se lire "3".

²Should read "4" -- Devrait se lire "4".

procedural safeguards no less than those provided to the nationals of the Receiving State.

9¹ 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

¹ Should read "5" -- Devrait se lire "5".