

**AGREEMENT BETWEEN THE
THE UNITED STATES OF AMERICA
AND
BOSNIA AND HERZEGOVINA
CONCERNING COOPERATION IN THE AREA OF THE PREVENTION OF
PROLIFERATION OF WEAPONS OF MASS DESTRUCTION,
AND THE PROMOTION OF DEFENSE AND MILITARY RELATIONS**

The United States of America and Bosnia and Herzegovina, hereinafter referred to as the Parties,

With a view to countering the proliferation of weapons of mass destruction, and technology, materials, and expertise related to such weapons;

Desiring to prevent the unauthorized transfer and transportation, including transit, of nuclear, biological, and chemical weapons and related materials, technology and expertise;

Understanding that cooperation under this Agreement extends to radioactive materials (including, but not limited to radioactive sources) suitable for use in radiological dispersal devices;

Desiring to promote cooperation between the United States of America and Bosnia and Herzegovina in the area of defense and military relations;

Have agreed as follows:

ARTICLE I

The United States of America may, as appropriate, assist Bosnia and Herzegovina in achieving the following objectives:

- (a) Countering the proliferation of weapons of mass destruction as well as related technology, materials and expertise into and from Bosnia and Herzegovina;
- (b) Preventing the unauthorized transfer, including transit and transportation, of nuclear, biological or chemical weapons and related materials, technology and expertise;

- (c) Ensuring the safe and secure storage and transportation of weapons of mass destruction;
- (d) Promoting defense and military relations, including but not limited to, regular meetings between senior and mid-level military officials, visits and exchanges and other bilateral contact activities;
- (e) Such other objectives as are mutually agreed to in writing by the Parties.

ARTICLE II

1. The Parties, through their Executive Agents as well as through other ministries and agencies of the Parties, may enter into implementing agreements or arrangements as appropriate to accomplish the objectives set forth in Article I of this Agreement. Implementing agreements or arrangements may include but will not be limited to:

- (a) Provisions concerning access to material, training or services provided at sites or their use for monitoring and inspection; and
- (b) Provisions concerning audits and examinations, oversight and management.

2. In case of any inconsistency between this Agreement and any implementing agreements or arrangements, the provisions of this Agreement shall prevail.

ARTICLE III

Each Party shall designate an Executive Agent to implement this agreement. For Bosnia and Herzegovina, the Executive Agent shall be the Ministry of Security unless Bosnia and Herzegovina otherwise notifies the United States of America. For the United States of America, the Executive Agent shall be the Department of Defense, unless the United States of America otherwise notifies Bosnia and Herzegovina.

ARTICLE IV

Except as otherwise provided in this Agreement or in an implementing agreement, the terms of this Agreement shall apply to all equipment, supplies, material or other goods, technology, training or services provided in accordance with this Agreement or implementing agreements, and to all related activities and personnel. All equipment, supplies, material or other goods, technology, training or services provided in accordance with this agreement shall be used exclusively for the purposes for which they are provided by the United States of America.

ARTICLE V

1. Bosnia and Herzegovina shall facilitate the entry and exit of employees of the United States of America and contractor personnel of the United States of America into and out of the territory of Bosnia and Herzegovina for the purpose of carrying out activities in accordance with this Agreement.
2. Aircraft and vessels, other than regularly scheduled commercial aircraft and vessels, used by the United States of America in connection with activities pursuant to this Agreement in Bosnia and Herzegovina shall be free of customs inspections, customs charges, landing fees, navigation charges, port charges, tolls, and any other charges assessed in the territory of Bosnia and Herzegovina.
3. If an aircraft other than a regularly scheduled commercial aircraft is used by the United States of America for transportation to Bosnia and Herzegovina, its flight plan shall be filed in accordance with the procedures of the International Civil Aviation Organization (ICAO) applicable to civil aircraft, including in the remarks section of the flight plan a confirmation that the appropriate clearance has been obtained. Bosnia and Herzegovina shall provide, at no expense to the United States of America, fuel, parking, and security protection for aircraft of the United States of America.

ARTICLE VI

Unless the written consent of the United States of America has first been obtained, Bosnia and Herzegovina shall not claim title to or transfer title or possession of any equipment, supplies, material or other goods, technology, training or services provided pursuant to this agreement to any person or entity, other than an officer, employee, or agent of a Party to this Agreement and shall not permit the use of such equipment, supplies, material or other goods, technology, training or services for purposes other than those for which they have been furnished. Bosnia and Herzegovina shall take all reasonable measures within its power to ensure the security of equipment, supplies, material or other goods, technology, training or services provided pursuant to this Agreement and shall protect them against seizure or misuse.

ARTICLE VII

1. Bosnia and Herzegovina shall, in respect of all legal proceedings and claims, other than contractual claims, hold harmless and indemnify the United States of America and its personnel, contractors, and contractors' personnel, for damages to property, or death or injury to any persons in Bosnia and Herzegovina, arising out of activities under this agreement.
2. The provisions of this Article shall not prevent the Parties from providing compensation in accordance with their national laws.

3. Nothing in this Article shall be construed to prevent legal proceedings or claims against nationals of Bosnia and Herzegovina or persons ordinarily resident in Bosnia and Herzegovina.

ARTICLE VIII

The activities of the United States of America under this agreement are subject to the availability of appropriated funds.

ARTICLE IX

Military and civilian employees of the United States of America (including members of the Armed Forces of the United States of America) present in the territory of Bosnia and Herzegovina for activities related to this agreement shall be accorded privileges and immunities equivalent to those accorded administrative and technical staff personnel in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961.

ARTICLE X

1. The United States of America, its personnel, contractors, and contractors' personnel shall not be liable to pay any tax or similar charges assessed by Bosnia and Herzegovina or any of its instrumentalities or subdivisions in connection with activities undertaken in accordance with this agreement.

2. The United States of America, its personnel, contractors, and contractors' personnel may import into, and export out of, Bosnia and Herzegovina any equipment, supplies, material or other goods, technology, training or services required to implement this agreement. Such importation and exportation of articles or services shall not be subject to any customs inspections, and shall be exempt from any license, other restrictions, customs duties, taxes or any other charges assessed by Bosnia and Herzegovina or any of its instrumentalities or subdivisions.

ARTICLE XI

In the event that the United States of America 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 United States of America. Acquisition of articles and services in Bosnia and Herzegovina by or on behalf of the United States of America in implementing this agreement shall not be subject to

any taxes, customs duties or similar charges assessed by Bosnia and Herzegovina or any of its instrumentalities or subdivisions.

ARTICLE XII

Upon written request provided thirty days in advance, representatives of the United States of America shall have the right during the period of this Agreement and for three years thereafter, to audit and examine the use of any equipment, supplies, material or other goods, technology, training or services provided in accordance with this agreement, at sites of their location or use, and shall have the right to audit and examine all records or documentation related to the use of equipment, supplies, material or other goods, technology, training or services provided by the United States of America in accordance with this Agreement.

ARTICLE XIII

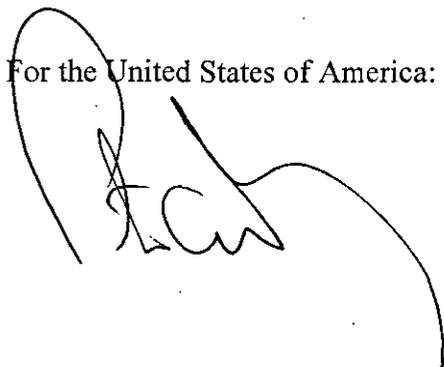
Any dispute between the Parties regarding the interpretation and implementation of this Agreement shall be resolved by consultations exclusively through the diplomatic channels.

ARTICLE XIV

This Agreement shall enter into force upon signature and shall remain in force for seven years. This Agreement may be amended or extended by the written agreement of the Parties and may be terminated by either Party upon ninety days written notification to the other Party of its intention to do so. Notwithstanding the termination of this Agreement or the implementing agreements, the obligations of Bosnia and Herzegovina in accordance with Articles VI, VII, XII and XIII of this Agreement shall continue to apply without respect to time, unless otherwise agreed in writing by the Parties. Notwithstanding the termination of this Agreement or the implementing Agreements, the rights of the United States of America under Article XII shall continue to apply in accordance with the terms of that Article.

Done at Washington this 22nd day of November, 2005, in duplicate, each in the English and Bosnian, Serbian, and Croatian languages, all texts being equally authentic.

For the United States of America:



For Bosnia and Herzegovina:

