

**AGREEMENT****Between the Government of the United States of America  
and the Government of the Republic of Kazakhstan  
on Support for Commercial Rail Transit of Special Cargo  
through the Territory of the Republic of Kazakhstan  
in Connection with the Participation of the  
United States of America in Efforts for the Stabilization and  
Reconstruction of the Islamic Republic of Afghanistan**

The Government of the United States of America, hereinafter referred to as “the U.S. Party,” and the Government of the Republic of Kazakhstan, hereinafter referred to as “the Kazakhstani Party,” and collectively referred to as “the Parties”;

Taking into account the provisions of Resolutions 1368 (2001), 1373 (2001), 1386 (2001), 1444 (2002), 1510 (2003), 1536 (2004), 1589 (2005), 1623 (2005), and 1707 (2006) of the United Nations Security Council; and

Conscious of the need to promote international efforts for ensuring the security, stabilization, and reconstruction of the Islamic Republic of Afghanistan (hereinafter, Afghanistan);

Have agreed as follows:

**Article 1**

This Agreement defines the procedures for commercial rail transit of wheeled armored vehicles, motorized, without weapons, and escort personnel, including reverse shipment of such vehicles and personnel, by the U.S. Party through the territory of the Republic of Kazakhstan for purposes of supporting international efforts for ensuring the security, stabilization, and reconstruction of Afghanistan.

**Article 2**

For purposes of this Agreement the terms used herein shall mean the following:

a) “commercial rail transit” means the transportation of special cargo and escort personnel, as defined below, through the territory of the Republic of Kazakhstan, by commercial rail through checkpoints specified in paragraph 2 of Article 3 of this Agreement.

b) "special cargo" means wheeled armored vehicles, motorized, without weapons, transported in standard containers or in enclosed crates (each unit of the special cargo shall not exceed the weight of 60 tons gross, and cargo must fit within the cargo dimension restrictions that exist for a track gauge of 1520 mm);

c) "escort personnel" means unarmed individuals employed by a legal entity that is under a contract with or for the U.S. Party who may accompany the special cargo;

d) "checkpoint" means an area within a railway station and any other specially equipped site where border and customs control and, if necessary, other types of control and passage of the commercial rail transit of special cargo and escort personnel across the national border of the Republic of Kazakhstan take place.

### Article 3

1. The commercial rail transit of special cargo and escort personnel shall be carried out solely for the purposes specified in Article 1 of this Agreement and in accordance with the legislation of the Republic of Kazakhstan, based on an authorization issued in accordance with paragraph 3 of this Article by the authorized agency of the Republic of Kazakhstan for export control.

2. The commercial rail transit of special cargo and escort personnel shall take place through the following checkpoints:

- a) from the Russian Federation/to the Russian Federation: Iletsk/Zhaysan;
- b) from the Republic of Uzbekistan/to the Republic of Uzbekistan: Sary-Agach/Keles.

3. In order to obtain an authorization for commercial rail transit of special cargo, the U.S. Party shall send documents regarding the upcoming transit in accordance with the Rules for the Issuance of Authorization for Transit of Goods Subject to Export Control no later than 30 calendar days (not counting holidays of the Republic of Kazakhstan) before the scheduled entry into the territory of the Republic of Kazakhstan.

4. After receipt of authorization for commercial rail transit of special cargo, but not later than 72 hours before entry into the territory of the Republic of Kazakhstan, the U.S. Party shall provide the following information in English and in Russian:

- a) the name and address of the sender of the special cargo;
- b) the station of departure of the special cargo;

- c) the station of destination of the special cargo;
- d) the name of the recipient of the special cargo;
- e) the description of the special cargo, measurement of its size, its weight, coordinates of the center of gravity;
- f) the quantity of identical units in the special cargo; and
- g) confirmation that adjacent states have authorized transit of the special cargo through their respective territories.

#### Article 4

1. The Kazakhstani Party shall have the right to deny authorization for commercial rail transit of special cargo, or to cancel an authorization that has already been issued, if it is determined that commercial rail transit of the special cargo does not comply with this Agreement, or poses a threat to the national security of the Republic of Kazakhstan.

2. Authorization for commercial rail transit of special cargo shall be canceled in the event of termination of this Agreement.

3. In the event of cancellation of a commercial rail transit authorization, the U.S. Party shall, at its own expense, ensure the return of the special cargo and escort personnel to a location outside the territory of the Republic of Kazakhstan.

#### Article 5

1. The transit of escort personnel through the territory of the Republic of Kazakhstan shall be subject to the visa regime of the Republic of Kazakhstan.

2. The Parties shall cooperate on all issues associated with supporting the stay of the escort personnel in the territory of the Republic of Kazakhstan.

#### Article 6

1. Escort personnel shall be obliged to comply with the legislation of the Republic of Kazakhstan.

2. Along the transit route escort personnel may not leave the train without the permission of the competent authorities of the Republic of Kazakhstan except in cases of technical

inspection of the train and special cargo and cases where remaining on the train poses a threat to the lives or health of the escort personnel.

#### Article 7

Republic of Kazakhstan criminal jurisdiction shall apply to escort personnel during their stay within the territory of the Republic of Kazakhstan.

#### Article 8

1. During commercial rail transit, special cargo and escort personnel shall be subject to border and customs control and, if necessary, other types of control in accordance with the legislation of the Republic of Kazakhstan.

2. The customs control authorities of the Kazakhstani Party shall have the right to conduct customs inspection directly on the railcars of the train. If, after conducting an inspection of the special cargo and the relevant documentation, representatives of the customs control authorities have reason to believe that the special cargo does not correspond to the declared information for receiving permission in accordance with Article 3 of this Agreement in furtherance of this Agreement, the special cargo may be partially or completely unloaded in order to conduct further inspection. In such cases, special cargo either shall be unloaded for inspection from the railcars or shall, alternatively, be returned through the checkpoint through which the train arrived, to a location outside the territory of the Republic of Kazakhstan, along with escort personnel, without completing the commercial rail transit to the train's scheduled destination.

#### Article 9

The U.S. Party or, as appropriate, legal entities under contract with or for the U.S. Party, shall reimburse the Kazakhstani Party and Kazakhstani legal entities for the costs of goods, work, and services requested and received during the course of commercial rail transit.

#### Article 10

1. Information received by a Party in connection with commercial rail transit may not under any circumstances be conveyed to a third party without the written consent of the Party that provided such information.

2. Paragraph 1 of this Article does not apply to information provided by either Party to legal entities that are involved in the commercial rail transit of special cargo and escort personnel.

#### Article 11

Claims for damages caused during implementation of the commercial rail transit under this Agreement shall be satisfied, as appropriate:

- a) by the persons and/or legal entities responsible for the damage;
- b) through consultations between the Parties; or
- c) in accordance with the provisions of Article VIII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces of June 19, 1951, following consultations.

#### Article 12

Disputes and differences between the Parties related to the application and interpretation of the provisions of this Agreement shall be resolved through consultations and negotiations via diplomatic channels.

#### Article 13

1. This Agreement shall enter into force as of the date of the last written notification, through diplomatic channels, between the Parties confirming completion of all necessary internal procedures required for its entry into force.

2. This Agreement may be amended by written agreement of the Parties.

3. Amendments shall be documented as separate protocols and shall enter into force in accordance with the procedure provided for in paragraph 1 of this Article.

4. This Agreement shall remain in force for a period of one year and automatically be extended for subsequent one-year periods, unless one Party informs the other Party in writing

through diplomatic channels no later than 60 (sixty) days prior to expiration of the relevant one-year period that it intends not to extend this Agreement.

5. Either Party may terminate this Agreement at any time after notifying the other Party to that effect through diplomatic channels. In that case this Agreement shall be terminated 60 (sixty) days from the date of receipt of the relevant notification.

6. In case of termination of this Agreement, the obligations in Article 11 of this Agreement shall remain in effect for the Parties until the Parties agree otherwise.

DONE at Astana in duplicate, this 20~~th~~ day of June, 2010 in the English, Kazakh, and Russian languages, all texts being equally authentic.



FOR THE GOVERNMENT  
OF THE UNITED STATES  
OF AMERICA



FOR THE GOVERNMENT  
OF THE REPUBLIC OF  
KAZAKHSTAN