

PROPERTIES

Diplomatic and Consular Missions

**Agreement Between the
UNITED STATES OF AMERICA
and TAJIKISTAN**

Effected by Exchange of Notes at
Dushanbe October 5, 2000 and January 2, 2001



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

TAJIKISTAN

Properties: Diplomatic and Consular Missions

*Agreement effected by exchange of notes at
Dushanbe October 5, 2000 and January 2, 2001;
Entered into force January 2, 2001.*

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Tajikistan and has the honor to refer to the Ministry's note #17-3 (4891), dated October 5, 2000, the English translation of which reads as follows:

The Ministry of Foreign Affairs of the Republic of Tajikistan presents its compliments to the Embassy of the United States of America in Dushanbe and, in order to ensure equal rights to the ownership of property for the diplomatic and consular missions of the Republic of Tajikistan and the United States of America in each other's territory, has the honor to propose the following agreement.

Considering that at present the laws of the Republic of Tajikistan do not provide for transfer of the right to own land to foreign governments (as we have informed the U. S. Embassy), in exchange for the right to acquire ownership of buildings and land in the United States with the preliminary approval of the Department of State's Office of Foreign Missions, whereby they will become the exclusive property of Tajikistan for its diplomatic mission in the United States, the Government of the Republic of Tajikistan hereby grants the U. S. Government the right to acquire buildings for its diplomatic missions and to lease for a period of ninety-nine (99) years the land on which these buildings are located. Upon the expiration of this period, the lease on the land may be extended for a second period of ninety-nine (99) years without additional expenses.

The United States shall pay a lump sum for acquiring ownership of the buildings and appertaining edifices and a long-term lease of the land. Additional fees will not be charged for leasing the land.

The United States will be issued the title to this building. The title to the building and the lease of the land will be registered, and the United States may freely sell, transfer to anyone, or otherwise dispose of them with the prior consent of the Ministry of Foreign

Affairs of the Republic of Tajikistan. No restriction will be placed on transfer of the right to lease the land or of the title to the building.

In the event that amendments to the laws of Tajikistan permit the right to own land in the present or future, the United States of America will have the right, without additional expenses and charges, to convert a lease on land to a deed, and this new status will be registered in the name of the United States. In this case, the Government of Tajikistan will transfer the right to own land to the United States of America without requiring additional payments, and all official registration entries will show the right to own property.

During the period in which the U. S. holds title to or a lease on the land, the property (including the building and grounds) will be exempt from all taxes levied on the purchase, ownership, and sale of real estate. This regulation shall also apply if the juridical person executing a long-term lease on land for the United States pursuant to this agreement is a private individual who would otherwise be subject to taxation.

The Government of Tajikistan agrees that the terms of this agreement on equal rights to property will apply to all future acquisitions and property and to its disposal by the United States of America in the Republic of Tajikistan, including the land and buildings presently owned by the U. S. Embassy in Dushanbe. The Government of Tajikistan also agrees that in the event of a discrepancy or divergence between the terms of this agreement on equal rights to property and the specific terms governing ownership of property in transactions and contracts relating to property currently owned by the United States of America in Tajikistan, the terms of this agreement shall prevail.

The Ministry proposes to the Embassy that this note and the U. S. reply thereto constitute an agreement between the Government of the Republic of Tajikistan and the Government of the United States of America on equal rights to ownership of property for the diplomatic and consular missions of the two countries in each other's territories.

The Ministry avails itself of this occasion to renew to the Embassy the assurances of its highest consideration.

The Embassy, on behalf of the Government of the United States of America, accepts the above proposals of the Government of the Republic of Tajikistan. Therefore, this note and the Ministry's note of October 5, 2000 shall constitute an agreement between our two governments, which shall enter into force on the date of this note.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Tajikistan the assurances of its highest consideration.

Embassy of the United States of America
Dushanbe, Tajikistan
02 January, 2001





**ВАЗОРАТИ КОРҶОИ ХОРИҶИИ
ҶУМҲУРИИ ТОҶИКИСТОН**

**MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF TAJIKISTAN**

№17-3(4891)

Министерство иностранных дел Республики Таджикистан свидетельствует свое уважение Посольству Соединенных Штатов Америки в Душанбе и в целях обеспечения равных прав на владение собственностью для дипломатических и консульских представительств Республики Таджикистан и Соединенных Штатов Америки на территории друг друга имеет честь предложить следующее соглашение.

Учитывая, что в настоящее время законодательство Республики Таджикистан не предусматривает передачи права собственности на землю иностранным правительствам, о чем Посольство Соединенных Штатов Америки проинформировано, в обмен на право приобретать в собственность здания и землю в США с предварительного одобрения Офиса по иностранным миссиям Государственного Департамента США, которые будут являться исключительной собственностью Таджикистана в США для его дипломатической миссии, настоящим Правительство Республики Таджикистан предоставляет Правительству Соединенных Штатов Америки право приобретать здания для своих дипломатических миссий и получать для этой цели в аренду землю, на которой находятся эти здания, на срок девяносто девять (99) лет. После окончания этого срока аренда земли может быть продлена на второй срок продолжительностью девяносто девять (99) лет без дополнительных расходов.

США внесут одноразовый платеж за приобретение в собственность зданий и относящихся к ним сооружений и долгосрочную аренду земли. Дополнительные платежи за аренду земли взиматься не будут.

**ПОСОЛЬСТВУ
СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ
г.Душанбе**

США будет выдан документ о праве собственности на здание. Право собственности на здание и аренду земли будет зарегистрировано и США могут свободно продавать, передавать кому-либо или распоряжаться иным образом ими после предварительного одобрения Министерства иностранных дел Республики Таджикистан. Никакие ограничения на передачу права на аренду земли или собственности на здание накладываться не будут.

В случае, если изменения в законодательстве Республики Таджикистан будут допускать в настоящем или будущем право собственности на землю, Соединенные Штаты Америки будут иметь право без дополнительных расходов и начислений перевести право аренды земли на право собственности и этот новый статус будет зарегистрирован на имя США. В этом случае Правительство Республики Таджикистан передает право собственности на землю Соединенным Штатам Америки без взимания дополнительных плат и все официальные регистрационные записи будут указывать на право владения собственностью.

В течение срока, в котором титул и аренда земли числятся за США, собственность, включая здания и землю, будет освобождена от всех налогов, взимаемых с покупки, владения и продажи недвижимости. Это правило будет распространяться и на тот случай, если юридическое лицо, осуществляющее долгосрочную аренду земли для США согласно данному Соглашению, является частным лицом и в ином случае подлежало бы обложению налогами.

Правительство Республики Таджикистан соглашается с тем, что условия данного Соглашения о равных правах на собственность будут применяться в отношении всех будущих приобретений и собственности и распоряжения ею Соединенными Штатами Америки в Республике Таджикистан, включая землю и здания, которыми в настоящее время владеет Посольство США в Душанбе. Также Правительство Таджикистана согласно с тем, что в случае возникновения расхождений или разногласий между условиями данного Соглашения о равных правах на собственность и конкретными условиями владения собственностью в сделках и контрактах, связанных с собственностью, находящейся в настоящий момент во владении Соединенных Штатов Америки в Республике Таджикистан, условия данного Соглашения будут иметь преимущество.

Министерство предлагает Посольству, что данная нота и ответная нота Американской стороны составят Соглашение между Правительством Республики Таджикистан и Правительством Соединенных Штатов Америки о равных правах на собственность для размещения дипломатических и консульских представительств двух стран на территории друг друга.

Министерство пользуясь случаем возобновляет Посольству уверения в своем самом высоком уважении.



Душанбе, 5 октября 2000 года.

MINISTRY OF FOREIGN AFFAIRS
REPUBLIC OF TAJIKISTAN

[Handwritten: 17-3-(4891)]

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The Embassy of the
United States of America
Dushanbe

In the event that amendments to the laws of Tajikistan permit the right to own land in the present or future, the United States of America will have the right, without additional expenses and charges, to convert a lease on land to a deed, and this new status will be registered in the name of the United States. In this case, the Government of Tajikistan will transfer the right to own land to the United States of America without requiring additional payments, and all official registration entries will show the right to own property.

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Dushanbe
October 5, 2000

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