

**AGREEMENT AMONG THE STATES
PARTICIPATING IN THE MULTINATIONAL STAND-BY HIGH READINESS
BRIGADE
FOR UN OPERATIONS
REGARDING THE STATUS OF THEIR FORCES**

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The States participating in the Multinational Stand-by High Readiness Brigade for UN Operations (SHIRBRIG):

Recalling the *Letter of Intent concerning co-operation on the Multinational United Nations Stand-by Forces High Readiness Brigade*, initially signed by Denmark on the 15th of December 1996, and

Recalling the *Memorandum of Understanding concerning the Steering Committee*, initially signed by Denmark on the 9th of March 1997, and

Recalling the *Memorandum of Understanding concerning the Operation, Funding, Administration and Status of the Planning Element of the Multinational United Nations Stand-by Forces High Readiness Brigade*, initially signed by Denmark on the 14th of March 1997, and

Recalling the *Memorandum of Understanding concerning the Operation, Funding, Administration and Status of the Multinational United Nations Stand-by Forces High Readiness Brigade*, initially signed by Denmark on the 16th of April 1998;

Considering that the forces of one State Party to the present Agreement may be sent and received, by separate arrangement, into the territory of another State Party;

Desiring, however, to define the status of such forces while in the territory of another State Party;

Have agreed as follows:

Article I - Definitions

1. In this agreement the expression:

(a) "SHIRBRIG" means "The Multinational Stand-by High Readiness Brigade for UN Operations", which is a pre-established (non-standing), multinational brigade at high readiness, composed of contributions to the United Nations Stand-by Arrangement System, which in accordance with national decisions can be offered to carry out peacekeeping missions mandated by the United Nations;

(b) "Planning Element" means the multinational element, which is the permanent part of the SHIRBRIG staff, established to support the Brigade by performing pre-

deployment functions, and then, on deployment, to become the nucleus of the deployed SHIRBRIG staff;

(c) "SHIRBRIG activities," in addition to the daily activities of the Planning Element, shall be deemed to include all pre-deployment activities such as conferences, meetings, training and exercises.

Article II - Applicable Documents

1. Except as otherwise provided for in the present Agreement, the States Parties to the present Agreement:

(a) Regarding the SHIRBRIG activities which take place in the territory of a State Party, shall apply *mutatis mutandis* the provisions of:

- i. the *Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces*, done in London on the 19th of June 1951, hereinafter referred to as the NATO SOFA and
- ii. the *Agreement among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces*, done in Brussels on the 19th of June 1995, hereinafter referred to as the PfP-SOFA, and the *Additional Protocol to the PfP SOFA*, done in Brussels on the 19th of June 1995, hereinafter referred to as the PfP Additional Protocol having regard to reservations and statements made by State Parties to these agreements.

(b) Regarding the activities of the SHIRBRIG Planning Element while on the territory of Denmark shall, in addition to the provisions mentioned in paragraph 1 (a). of this Article, apply *mutatis mutandis* the provisions of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, done in Paris on the 28th of August 1952, hereinafter referred to as the Paris Protocol.

2. For the purpose of applying *mutatis mutandis* the provisions of the agreements referred to in paragraph 1 the following interpretations shall apply:

(a) With respect to matters in the NATO SOFA that provide for requests to be submitted to, or differences to be referred to the North Atlantic Council, the Chairman of the North Atlantic Council deputies or an arbitrator, these provisions of the NATO SOFA shall be construed to require the States Parties concerned to settle the matter by resort to Article V of the present Agreement;

(b) "Party/Parties to the North Atlantic Treaty" referred to in the applicable documents, means the States Parties to the present Agreement;

(c) "North Atlantic Treaty area" referred to in the applicable documents, means the territories of the States Parties to the present Agreement;

(d) "Allied Headquarters" referred to in the applicable documents, means the Planning Element of SHIRBRIG.

Article III - Claims Procedure

To ensure reciprocity between the Parties concerning waiver of claims up to a certain amount in accordance with Article VIII paragraph 2 (f) of the NATO SOFA the amount mentioned in that article for Denmark (9,670 DKK) will be governing for all Parties.

Article IV - Limitations

1. The present Agreement is without prejudice to existing international agreements or arrangements.

Article V - Settlement of Disputes

All disputes between the States Parties relating to the interpretation or application of the present Agreement shall be settled by negotiation between them.

Article VI - Amendment

The present Agreement may be amended by the consensus of all the States Parties. Such amendments shall enter into force in accordance with Article VIII paragraph 1 of the present Agreement.

Article VII - Ratification and Signature

1. The present Agreement shall be open for signature by any state that is a signatory to the Memorandum of Understanding concerning the Operation, Funding, Administration and Status of the Planning Element of the Multinational United Nations Stand-by Forces High Readiness Brigade and/or the Memorandum of Understanding concerning the Operation, Funding, Administration and Status for the Multinational United Nations Stand-by Forces High Readiness Brigade.

2. The present Agreement shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Denmark, which shall notify all signatory states of each such deposit.

3. The present Agreement shall be subject to accession by any state that has signed the Memoranda of Understanding as referred to in paragraph 1 after the entering into force of the present Agreement.

Article VIII - Entry into Force

1. Sixty days after three signatory States have deposited their instruments of ratification, acceptance or approval, the present Agreement shall enter into force in respect

of those states. It shall enter into force in respect of each other signatory State sixty days after the date of deposit of its instruments of ratification, acceptance or approval. The status of the Planning Element as provided for in Article II subparagraph (b) of the present Agreement shall enter into force after Denmark has ratified the Agreement.

2. Any exchange of notes, concerning the status of the Planning Element of the Multinational United Nations Stand-by Forces High Readiness Brigade and its personnel, between the Government of Denmark and any other signatory States ceases to have effect from the date the present Agreement enters into force between Denmark and the respective signatory State.

3. The present Agreement shall be registered with the Secretary General of the United Nations by the Government of Denmark.

Article IX - Withdrawal

Any State Party may withdraw from the present Agreement by giving written notification of withdrawal to the Government of Denmark, which will notify all signatory States of each such notification. The withdrawal shall take effect one year after receipt of the notification by the Government of Denmark. After the expiration of this period of one year, the present Agreement shall cease to be in force as regards the party that withdraws, except for the settlement of any outstanding obligations that arose before the day on which the withdrawal takes effect, but shall continue to be in force for the remaining State Parties.

In witness whereof, the undersigned, being duly authorised by their respective governments, have signed this agreement.

Done in Copenhagen this thirteenth day of December 2001 in the English language, in a single original which shall be deposited in the archives of the Government of Denmark. The Government of Denmark shall transmit certified copies thereof to all the signatory States.

The Argentine Republic - With the attached Statement

Austria

Canada

The Kingdom of Denmark

Finnland

Italy

The Netherlands

Norway

Poland

Romania

Sweden

The Argentine Republic understands that the SHIRBRIG SOFA is an independent self-sufficient regime. Therefore, the Argentine Republic makes the following declaration: The Argentine Republic has not expressed its consent to be bound by any of the norms of the North Atlantic Treaty Organisation or its Status of Forces Agreement (SOFA); or Partnership for Peace or its Status of Forces Agreement or any related provision with the exception of SHIRBRIG Status of Forces Agreement. Therefore, the references in this Agreement to the North Atlantic Treaty Organisation or Partnership for Peace shall not be interpreted as to refer any authority or competence to these institutions.