Article XXIII

1. Each Party shall waive all its claims against the other Party:

(a) for damage including loss of use (hereinafter referred to in this Article as "damage") to property owned by a Party and used by its Force or civilian personnel, or for injury or death suffered by a member of its Force or civilian personnel while engaged in the performance of official duties, provided that such damage or such injury or death:

(i) was caused by a member of the Force or civilian personnel of the other Party while engaged in the performance of official duties in connection with cooperative activities pursuant to this Agreement; or

(ii) arose from the use of any vehicle, vessel or aircraft owned by the other Party and being used by its Force or civilian personnel for the performance of official duties in connection with cooperative activities pursuant to this Agreement,

except where such damage or such injury or death is mutually determined by the Parties to have resulted solely from gross negligence or wilful misconduct of a member of the Force or civilian personnel of that other Party; and

(b) for maritime salvage, provided that the vessel or cargo salvaged was owned by a Party and being used by its Force for official purposes in connection with cooperative activities pursuant to this Agreement.

2. Where for the purposes of paragraph 1(a) the Parties mutually determine that a claim for damage, injury or death resulted solely from the gross negligence or wilful misconduct of a member of the Force or civilian personnel of either Party, such determination shall be conclusive of that fact and the Party to which that member of the Force or civilian personnel belongs shall be solely responsible for the costs of any liability for that claim. The Parties shall consult on the final amount payable by the responsible Party in satisfaction of the claim.

3. The Parties shall consult on the settlement of any other claims by a Party against the other Party for damage caused or arising as stated in paragraph 1(a) to other property owned by the former Party. The cost incurred in satisfying such claims shall be distributed between the Parties in accordance with paragraph 5(e).

4. For the purposes of paragraphs 1 and 3, the expression "owned by a Party":

(a) in the case of a vessel, includes a vessel on bare boat charter to that Party or requisitioned by it on bare boat terms; or

(b) in the case of a vehicle or aircraft, includes a vehicle or aircraft on exclusive hire or lease or charter to that Party,

except to the extent that the risk of loss or liability is borne by some person other than such Party.

5. Claims arising out of acts or omissions of members of the Visiting Force or the Civilian Component done in the performance of official duties, or out of any other act, omission or occurrence for which the Visiting Force is legally responsible, and causing damage to property and/or injury or death in the Receiving State to third parties shall be dealt with by the Receiving State in accordance with the following provisions:

(a) all claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the Receiving State applicable to claims arising from the activities of its own Force. The Receiving State shall settle the claims in consultation with the Sending State, except when the claims are to be adjudicated;

(b) payment of the amount agreed upon by the Receiving State with the claimant or determined by adjudication shall be made by the Receiving State in its currency within the shortest possible time;