

2. Capital represented by movable property forming part of the business property of a permanent establishment which a resident of a Contracting State has in the other Contracting State or by movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services, may be taxed in that other State.
3. Capital represented by ships and aircraft operated by a resident of a Contracting State in international traffic and by movable property pertaining to the operation of such ships and aircraft, shall be taxable only in that State.
4. All other elements of capital of a resident of a Contracting State shall be taxable only in that State.

ARTICLE 23

Elimination of Double Taxation

1. In the case of Kazakhstan, double taxation shall be avoided as follows:
 - (a) Where a resident of Kazakhstan derives income or owns capital which, in accordance with the provisions of this Convention, may be taxed in Canada, Kazakhstan shall allow:
 - (i) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in Canada;
 - (ii) as a deduction from the tax on capital of that resident, an amount equal to the capital tax paid in Canada.

These deductions, in any case, shall not exceed the tax that would have been payable on such income and capital in Kazakhstan;
 - (b) Where a resident of Kazakhstan derives income or owns capital, which in accordance with the provisions of this Convention, shall be taxable only in Canada, Kazakhstan may include this income or capital in the tax base but only for purposes of determining the rate of tax on such other income or capital as is taxable in Kazakhstan.
2. In the case of Canada, double taxation shall be avoided as follows:
 - (a) subject to the existing provisions of the law of Canada regarding the deduction from tax payable in Canada of tax paid in a territory outside Canada and to any subsequent modification of those provisions -- which shall not affect the general principle hereof -- and unless a greater deduction or relief is provided under the laws of Canada, tax payable in Kazakhstan on profits, income or gains arising in Kazakhstan shall be deducted from any Canadian tax payable in respect of such profits, income or gains;
 - (b) subject to the existing provisions of the law of Canada regarding the taxation of income from a foreign affiliate and to any subsequent modification of those provisions -- which shall not affect the general principle hereof -- for the purpose of computing Canadian tax, a company which is a resident of Canada shall be allowed to deduct in computing its taxable income any dividend received by it out of the exempt surplus of a foreign affiliate which is a resident of Kazakhstan;