

2 (2005) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 176

A. TITEL

Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en de Verenigde Staten van Amerika inzake de status van militair- en burgerpersoneel van de Amerikaanse Strijdkrachten tijdens militaire training en oefeningen op de Nederlandse Antillen en Aruba; 's-Gravenhage, 3 mei 2005

B. TEKST

Nr. I

Ministry of Foreign Affairs

The Hague, 3 May 2005

DJZ/VE-442/05

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States and has the honor to propose an agreement between the Kingdom of the Netherlands and the United States (hereinafter referred to as the "Parties") regarding the status of military and civilian personnel of the United States Armed Forces who will be present in the Netherlands Antilles and Aruba for military training and exercises on the following terms:

Article I

Temporary stationing of U.S. Armed Forces

For the purpose of this Agreement, military and civilian personnel of the United States Armed Forces, their vessels and military equipment may be stationed temporarily in the Netherlands Antilles and Aruba.

Article II

Use of facilities

Military and civilian personnel of the United States Armed Forces may use military facilities provided by the Flag Officer Royal Netherlands Forces in the Caribbean under conditions to be agreed upon between the Flag Officer Royal Netherlands Forces in the Caribbean and Commander US Southern Command.

Article III

Applicability Of Nato Sofa

Except as otherwise provided for in this Agreement, Articles I through XIII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done at London on 19 June 1951 (hereafter, the NATO SOFA) shall apply *mutatis mutandis*.

Article IV

Settlement Of Disputes

Any disputes or disagreements that may arise from the application or implementation of this Agreement shall be settled through consultation between the appropriate authorities of the Parties, including, as necessary, through diplomatic channels.

Article V

Territorial applicability

With regard to the Kingdom of the Netherlands, this Agreement shall apply to its territory in the Netherlands Antilles and Aruba.

Article VI

Interpretation

For purposes of this Agreement, references and provisions in the NATO SOFA to the North Atlantic Treaty, the North Atlantic Council, the North Atlantic Treaty Organization and to Article XX therein shall be deemed inapplicable.

Article VII

Duration

This Agreement shall remain in force for the duration of the presence of the military and civilian personnel of the United States Armed Forces

in the Netherlands Antilles and Aruba but for no longer than one year from the date this Agreement enters into force. Notwithstanding, the provisions of this Agreement regarding the adjudication and payment of claims shall remain in force for such time as is necessary to resolve any outstanding claims arising under this Agreement.

If the foregoing is acceptable to the Government of the United States, the Ministry of Foreign Affairs has the honor to propose that this Note and the Note in reply of the Embassy shall constitute an Agreement between the Kingdom of the Netherlands and the United States, which shall enter into force on the date of the Embassy's Note.

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

Embassy of the United States of America

Nr. II

Embassy of the United States of America

The Hague, 3 May 2005

No. 23

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honor to acknowledge receipt of your Note of May 3, 2005, which reads as follows:

(Zoals in Nr. I)

The Embassy has the further honor to inform the Ministry of Foreign Affairs of the Kingdom of the Netherlands that the proposal contained in the Ministry's Note is acceptable to the Government of the United States and to confirm that the Ministry's Note and this reply shall constitute an agreement between our governments, which shall enter into force on this date.

The Embassy of the United States avails itself of this opportunity to

renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurance of its highest consideration.

Ministry of Foreign Affairs

D. PARLEMENT

Het in de nota's vervatte verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge het gestelde in de op één na laatste alinea van nota's I en II in werking getreden op 3 mei 2005. Het in de nota's vervatte verdrag zal ingevolge het gestelde in artikel VII van beide nota's niet langer dan één jaar van kracht zijn.

Wat betreft het Koninkrijk der Nederlanden, geldt het in de nota's vervatte verdrag ingevolge het gestelde in artikel V van beide nota's, alleen voor de Nederlandse Antillen en Aruba.

J. VERWIJZINGEN

Titel	: Verdrag tussen de Staten die partij zijn bij het Noord-Atlantisch Verdrag, nopens de rechtspositie van hun krijgsmachten; Londen, 19 juni 1951
Tekst	: <i>Trb.</i> 1951, 114 (Engels en Frans) <i>Trb.</i> 1953, 10 (vertaling)
Laatste <i>Trb.</i>	: <i>Trb.</i> 2001, 28

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het in de nota's vervatte verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *dertigste* juni 2005.

De Minister van Buitenlandse Zaken,

B. R. BOT