

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2012 Nr. 191

A. TITEL

*Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en de Republiek Uganda betreffende de status van personeel van het Ministerie van Defensie van het Koninkrijk der Nederlanden, dat aanwezig zal zijn op het grondgebied van de Republiek Uganda voor multilaterale trainings- en opleidingsactiviteiten;
Kampala, 18 september 2012*

B. TEKST

Nr. I

EMBASSY OF THE KINGDOM OF THE NETHERLANDS

Kampala, 28 June 2012

No. KAM/CDP/2012/124

The Embassy of the Kingdom of the Netherlands presents its compliments to the Ministry of Foreign Affairs of the Republic of Uganda and has the honour to propose an Agreement between the Kingdom of the Netherlands and the Republic of Uganda (hereinafter referred to as “the Contracting Parties”) regarding the status of personnel of the Ministry of Defence of the Kingdom of the Netherlands who will be present in the territory of the Republic of Uganda for multilateral training and education activities:

Article I

Definitions

For the purpose of this Agreement and its implementation:

1. The term “Personnel” means military or civilian personnel of the Ministries of Defence of the Contracting Parties.
2. The term “Military personnel” means the military personnel of the Ministry of Defence of the sending State, including foreign military personnel forming an integral part of military units of the sending State on the basis of an exchange programme.
3. The term “sending State” means the Kingdom of the Netherlands.
4. The term “receiving State” means the Republic of Uganda.

Article II

Entry and exit requirements

1. The Personnel of the sending State shall have the right to enter into, stay and depart from the territory of the receiving State. The Personnel of the sending State shall have the same freedom of movement as is accorded to nationals of the receiving State.
2. The authorities of the receiving State shall allow the Personnel of the sending State unimpeded entry into and exit from the territory of the receiving State with a passport, a personal identity card and a collective or individual travel order. The Personnel of the sending State shall be exempt from passport and visa regulations, immigration inspection, entry and exit fees, duties or any other entry or exit requirements.

Article III

Discipline and jurisdiction

1. Disciplinary jurisdiction over the Personnel of the sending State shall remain a prerogative of the competent authorities of the sending State. The sending State shall inform the receiving State of the outcome of the exercise of its disciplinary jurisdiction over the Personnel of the sending State for criminal cases.
2. The Personnel of the sending State shall respect the laws in force in the receiving State and shall refrain from any activity inconsistent with the spirit of this Agreement and, in particular, shall refrain from any political activity in the receiving State. The officer in command of the Personnel of the sending State shall take the necessary measures to this effect.
3. The Personnel of the sending State shall enjoy immunity for any offence and any act committed during their stay in the receiving State pursuant to this Agreement and shall consequently be submitted to the exclusive jurisdiction of the sending State.

4. The Government of the receiving State may request the Government of the sending State to waive the immunity of a member of the Personnel of the sending State in cases of particular importance for the receiving State. In such an event, the Contracting Parties shall consult with a view to safeguarding each other's legitimate interests.

5. a. In the event that the authorities of the receiving State take into custody any member of the Personnel of the sending State, they shall immediately hand over such custody to the officer in command of the Personnel of the sending State and shall send a written report on the matter to this officer without delay.

b. The authorities of the sending State shall inform the authorities of the receiving State of their decision to institute legal action against the member of the Personnel of the sending State and of the outcome of the procedures that have been initiated in the sending State.

Article IV

Importation and exportation

1. The receiving State waives the right to levy import and export fees, duties, taxes and other charges otherwise leviable in the receiving State on equipment, materials, supplies and other property imported into the receiving State by the sending State in connection with this Agreement.

2. Equipment, materials, supplies and other property imported into the receiving State by the sending State in connection with this Agreement shall be exempt from inspection. The sending State shall provide the receiving State with an inventory of all equipment, materials, supplies and other property imported into the receiving State.

3. Baggage, personal effects, products and other property for the personal use of the Personnel of the sending State imported into the receiving State shall be exempt from import and export fees, duties, taxes and other charges otherwise leviable in the receiving State.

Article V

Arms and uniforms

1. The Military personnel of the sending State, participating in multilateral training and education activities, may possess and carry arms, on the condition that they are authorized to do so by their orders and in accordance with the laws and regulations of the receiving State.

2. The Military personnel of the sending State may use arms and ammunition only for multilateral training and education purposes on

locations specifically intended for such use by the receiving State. These locations shall be further agreed upon between the appropriate authorities of the receiving State and sending State.

3. The arms and ammunition shall be stored and guarded in accordance with the laws and regulations of the receiving State.

4. The Military personnel of the sending State may wear their national military uniform, while performing official duties.

Article VI

Driving permits

The receiving State shall accept as valid, without test and without payment of fees, the current and valid driving permit or licence or military driving permit of the Personnel of the sending State for the category of motor vehicles identical to those for which the permit has been issued by the sending State.

Article VII

Claims

1. The Contracting Parties waive any claims against each other for damage to or loss of government property used by their armed forces and for injury (including injury resulting in death) suffered by their Personnel, arising out of official duties.

2. Paragraph 1 of this article is not applicable if damage to or loss of government property or injury suffered by the Personnel mentioned in that paragraph has been the result of gross negligence or wilful misconduct. The Parties shall mutually decide whether there is gross negligence or wilful misconduct. In that case they shall also decide about the costs related to the settlement of the claim.

3. Third party claims (other than contractual claims) for any loss, damage or injury caused by the Personnel of the sending State shall be settled by the receiving State on behalf of the sending State in accordance with the laws and regulations of the receiving State. Costs related to the settlement of any such claim shall be reimbursed by the sending State.

4. Third party claims for any loss, damage or injury caused by Personnel of both Contracting Parties in the performance of their official duties shall be settled by the receiving State, also on behalf of the sending State, in accordance with the laws and regulations of the receiving

State. Costs related to the settlement of any such claim shall be distributed between the Contracting Parties on an equal basis.

5. The receiving State shall consult the sending State prior to any settlement of third party claims.

Article VIII

Medical and dental support

1. The Personnel of the sending State shall be medically and dentally fit prior to their entry in the receiving State.

2. The Personnel of the sending State shall, when available, be granted emergency medical and dental support in military medical facilities free of charge throughout their presence in the receiving State in connection with this Agreement.

3. Other medical and dental support, including hospitalization, shall be granted under the same conditions as those applicable to personnel of the receiving State.

Article IX

Death in service

1. The authorities of the sending State who are present in the receiving State are authorised to take charge of the repatriation of the body of a deceased member of the Personnel of the sending State, as well as his personal possessions, and may take appropriate measures to this end.

2. An autopsy on the body of a deceased member of the Personnel of the sending State may only be performed with the consent of the authorities of the sending State and in the presence of a representative thereof.

3. The receiving State and the sending State will cooperate as far as possible in order to assure rapid repatriation of the body of a deceased member of the Personnel of the sending State.

Article X

Movement of the personnel

1. The Personnel of the sending State shall have freedom of movement and access to and use of other facilities required for the purposes of this Agreement.

2. The sending State shall inform the receiving State of the official movement of the sending State's Personnel that involve visiting military bases in Uganda.

Article XI

Amendment

Either Party may at any time propose negotiations to amend the provisions of this Agreement.

Article XII

Settlement of disputes

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

Article XIII

Duration

This Agreement shall remain in force for the duration of the presence of the personnel of the Ministry of Defence of the Kingdom of the Netherlands in the Republic of Uganda 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 Republic of Uganda, the Embassy of the Kingdom of the Netherlands has the honour to propose that this Note and the Note in reply of the Ministry shall constitute an Agreement between the Kingdom of the Netherlands and the Republic of Uganda, which shall enter into force on the date of the Ministry's Note.

The Embassy of the Kingdom of the Netherlands avails itself of this

opportunity to renew to the Ministry of Foreign Affairs of the Republic of Uganda the assurances of its highest consideration.

*Ministry of Foreign Affairs
of the Republic of Uganda
Kampala*

*Copy to:
Ministry of Defence
Ministry of Justice and Constitutional Affairs*

Nr. II

THE REPUBLIC OF UGANDA
MINISTRY OF FOREIGN AFFAIRS

Kampala, 18th September, 2012

In any correspondence on
this subject please quote no.: EUR 34/296/01

The Ministry of Foreign Affairs of the Republic of Uganda presents its compliments to the Embassy of the Kingdom of the Netherlands and has the honour to refer to the Embassy's note KAM/CDP/2012/124 of 6th September 2012, which reads as follows:

(Zoals in Nr. I)

The Ministry of Foreign Affairs of the Republic of Uganda has further the honour to inform the Embassy of the Kingdom of the Netherlands that the proposals set forth in the Embassy's note are acceptable to the Republic of Uganda and confirm that the Embassy's note and this note shall constitute an Agreement between the Kingdom of the Netherlands and the Republic of Uganda, which shall enter into force on the date of this Note in reply and shall remain in force for no longer than one year from this date.

The Ministry of Foreign Affairs of the Republic of Uganda avails

itself of this opportunity to renew to the Embassy of the Kingdom of the Netherlands the assurances of its highest consideration.

*Embassy of the Kingdom of the Netherlands
Kampala*

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 Nr. I en nota Nr. II op 18 september 2012 in werking getreden.

Ingevolge artikel XIII zal het in de nota's vervatte verdrag niet langer dan één jaar van kracht zijn.

Wat betreft het Koninkrijk der Nederlanden, geldt het in de nota's vervatte verdrag alleen voor Nederland (het Europese deel).

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 (het Europese deel) op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *vijfde* oktober 2012.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL