

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 69

A. TITEL

*Notawisseling houdende een verdrag tussen het Koninkrijk der
Nederlanden en de Eastern Africa Standby Brigade Coordination
Mechanism (EASBRICOM) betreffende de samenwerking ter
ondersteuning van de Eastern Africa Standby Force;
Nairobi, 21 januari 2011*

B. TEKST

Nr. I

ROYAL NETHERLANDS EMBASSY

Nairobi, 4 October 2010

No. NAI-D/2010/154

Note Verbale

The Embassy of the Kingdom of the Netherlands presents its compliments to the Eastern Africa Standby Brigade Coordination Mechanism – the Secretariat of the Eastern Africa Standby Force – and has the honour to propose an Agreement between the Kingdom of the Netherlands and the Eastern Africa Standby Brigade Coordination Mechanism regarding the cooperation to strengthen all dimensions of capacity building and peace operations in Eastern Africa on the following terms:

Preamble

The Kingdom of the Netherlands

and

the Eastern Africa Standby Brigade Coordination Mechanism (EASBRICOM) – the Secretariat of the Eastern Africa Standby Force (EASF),

(hereinafter referred to as “the Contracting Parties”),

Acknowledging the need to strengthen cooperation for peace and security in Africa and for further development of the African Union Peace and Security architecture of which the EASF is part, and the need to further develop capacity within EASBRICOM and the structures under EASBRICOM in the Eastern Africa Region.

Having regard to the Host Country Agreement between EASBRICOM and the Government of the Republic of Kenya for the purpose of hosting EASBRICOM and its subordinate structures in Kenya concluded on May 28, 2008 in Nairobi;

Have agreed as follows:

Article 1

Scope

The Contracting Parties continue to maintain a close cooperation with a view to strengthening capacity building in all its forms in order to best prepare the Eastern Africa Standby Force for likely deployments across all of the deployment scenarios envisaged by the African Union in the context of the African Standby Force.

Article 2

Netherlands support to Easbricom

1. The Minister of Defence of the Kingdom of the Netherlands (hereinafter referred to as “the Sending Party”) shall provide personnel who shall be embedded within EASBRICOM.

2. The amount of personnel, their terms of reference and any matter relating to the appointments shall be agreed upon in an arrangement between the Sending Party and EASBRICOM, as mentioned in Article 4, paragraph 6.

3. The Sending Party may withdraw any such personnel provided by it for any reason after consultation with EASBRICOM.

4. In the event of any serious misconduct or neglect of duty by personnel provided by the Sending Party, or of inability to carry out their

duties satisfactorily, EASBRICOM may consult the Sending Party and may request the withdrawal of the personnel concerned.

5. The personnel provided by the Sending Party to EASBRICOM shall enjoy the privileges, immunities, exemptions, facilities, assurances and other rights referred to in the Host Country Agreement between EASBRICOM and the Government of the Republic of Kenya.

6. The Contracting Parties agree that the right of the Director of EASBRICOM to waive the immunities granted to the personnel provided by the Sending Party, as mentioned in Article VIII, paragraph 2, of the Host Country Agreement, shall not be executed without prior written approval of the Sending Party.

Article 3

Financial arrangements

Financial arrangements within the framework of the cooperation shall be agreed upon between the Sending Party and EASBRICOM, as specified in Article 4, paragraph 6.

Article 4

Final provisions

1. This Agreement shall enter into force on the first day of the second month after the Contracting Parties have notified each other in writing that the legal requirements for the entry into force of this Agreement have been complied with.

2. The provisions of this Agreement shall be applied provisionally as from the date of receipt of the Note in reply to this Note.

3. This Agreement may be amended at any time by the mutual written consent of the Contracting Parties. Amendments shall enter into force on the first day of the second month after the Contracting Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

4. Any Contracting Party wishing to terminate this Agreement shall provide a written notification to the other Contracting Party. The termination shall take effect six months after the receipt of the written notification. In the event that the Agreement is terminated the provisions of Article 4, paragraph 5, shall continue to be applied in respect of any matters not resolved at the time of termination.

5. Any dispute regarding the interpretation or application of this Agreement shall be resolved by consultation between the Contracting Parties and shall not be referred to any national or international tribunal or any other third party for settlement.

6. The Sending Party and EASBRICOM may for the purpose of implementing this Agreement or of addressing matters not foreseen in this Agreement make implementing arrangements as appropriate.

If the foregoing is acceptable to the Eastern Africa Standby Brigade Coordination Mechanism, the Embassy of the Kingdom of the Netherlands has the honour to propose that this Note and the Note in reply to the Embassy shall constitute an Agreement between the Kingdom of the Netherlands and the Eastern Africa Standby Brigade Coordination Mechanism, which shall be applied provisionally as from the date of the receipt of the Note in reply to this Note and which shall enter into force on the first day of the second month after the Contracting Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

The Embassy of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Eastern Africa Standby Brigade Coordination Mechanism the assurances of its highest consideration.

*Eastern Africa Standby Brigade Coordination Mechanism
(EASBRICOM)
Nairobi*

Nr. II

EASTERN AFRICA STANDBY BRIGADE COORDINATION
MECHANISM
(EASBRICOM)

Nairobi, 21 January 2011

REF: IP/06/13

The Eastern Africa Standby Brigade Coordination Mechanism – the Secretariat of the Eastern Africa Standby Force presents its compliments to the Royal Netherlands Embassy and has the honor to refer to the Embassy's note No. NAI-D/2010/154 of 04 October 2010, which reads as follows:

(zoals in Nota Nr. I)

EASBRICOM has further the honour to inform the Royal Netherlands Embassy that the proposals set forth in the Embassy's note are acceptable to EASBRICOM and to confirm that the Embassy's note and this note shall constitute an Agreement between the Kingdom of the Netherlands and EASBRICOM, which shall enter into force on the first day of the second month after the Contracting Parties have notified each other in writing that the legal requirements for entry into force have been complied with.

The Eastern Africa Standby Brigade Coordination Mechanism – the Secretariat of the Eastern Africa Standby Force avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurances of its highest consideration.

*Royal Netherlands Embassy
Nairobi*

D. PARLEMENT

Het in de nota's vervatte verdrag behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het in de nota's vervatte verdrag kan worden gebonden.

F. VOORLOPIGE TOEPASSING

Het in de nota's vervatte verdrag wordt ingevolge artikel 4, tweede lid, vanaf 4 februari 2011 voorlopig toegepast.

Wat betreft het Koninkrijk der Nederlanden, geldt de voorlopige toepassing alleen voor Nederland (het Europese deel).

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zullen ingevolge artikel 4, eerste lid, in werking treden op de eerste dag van de tweede maand nadat beide partijen elkaar schriftelijk er van in kennis hebben

gesteld, dat aan de wettelijke vereisten voor de inwerkingtreding van het in de nota's vervatte verdrag is voldaan.

Uitgegeven de *dertiende* april 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL