

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1974 Nr. 221

A. TITEL

Notawisseling tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Democratische Republiek Soedan inzake het ter beschikking stellen van Nederlandse militairen ten behoeve van het voedseltransport in West-Soedan (Darfour); Khartoem, 22 juni, 9 juli en 24 juli 1974

B. TEKST

Nr. I

No 1857
Enclosure

Very urgent

The Royal Netherlands Embassy presents its compliments to the Ministry of Foreign Affairs of the Democratic Republic of the Sudan and with reference to the conversations held between the appropriate officials of the esteemed Ministry and this Embassy, has the honour to confirm the offer of the Netherlands Government to place at the disposal of the Democratic Republic of the Sudan, a military convoy intended to assist in the transport of foodstuffs in Darfur Province, for a maximum period of 4 months.

The convoy would consist of:

- 15 (3-ton) trucks;
- 1 ambulance;
- 5 jeeps;
- 3 trucks for communications and maintenance;
- 1 watertank-truck and
- 7 (1-ton) trailers.

(All vehicles painted white).

The crew of about 70 are all (unarmed) military men of Netherlands Nationality. (Drivers, maintenance-men, medical officer and staff, communications-personnel).

In case the above-mentioned offer is acceptable to the Sudanese authorities concerned, this Embassy would highly appreciate to receive from said authorities:

- I. A written approval that in case an offence is committed against the law of the Sudan, the person involved will be handed over to the Netherlands authorities to appear before a Netherlands military court and
- II. An approval from the Sudanese authorities to maintain a direct radio link between the convoy and the Netherlands in the interest of their mission (see for type radio-apparatus and frequencies the attached paper).

For good order's sake it is noted that said convoy stands by for immediate action in the Sudan till approximately July 15, 1974, making a soon follow up necessary. For the same reason a preparatory commission of three officers has to receive the green light for the operation this week, so it can depart for the Sudan for further inquiring and procedure discussions with the Sudanese authorities concerned.

Any soon reaction on the above would be highly valued.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Democratic Republic of the Sudan the assurances of its highest consideration.

Khartoum, June 22, 1974.

*To the Ministry of Foreign Affairs of
the Democratic Republic of the Sudan,
Khartoum.*

Khartoum, June 22, 1974.

Radio equipment and frequencies

Two kinds of radio-apparatus will be used:

Primo: SCR - 399 (fixed station)

- a. Destined for communications with the Netherlands.
- b. Location of transmitter in the Netherlands:
3211 N - 0424 E. Call sign station FAA 21.
- c. Frequency wave 2- MHZ
- d. Power 400 Watt
- e. Dipool aerial and pool aerial.

- f. Required frequencies all in Kilobars:
first preference: 6900, 7526, 12210
second preference: 12158, 12193, 13416, 13623, 14449, 14986, 16083, 16418.
- g. Amplitude modulation apparatus.
- h. The number of frequencies can be reduced later on, as soon as the influence of climatological circumstances are known (propagation data).
- j. Continuous operation for the time being. Later at fixed times only (When most favourable connection with the Netherlands is possible).

Secundo: 3 apparatus KL/GRC-3035 (Mobile stations).

- a. Destined for internal communications within the convoy, which will make it possible eventually to split up the convoy and still maintain in contact.
- b. To be fixed later on.
- c. Call signs: PMOA (cipher zero), VW5A, ZP96, DD6Y, 6S6W, 1KJ5, X11A, YU2F, AIO6 (cipher zero), 2KUP.
- d. Frequency wave 2-16 MHZ
- e. Power 50 Watt, Dipool aerial and pool aerial
- f. Amplitude modulation apparatus.
- g. Required provisional frequencies, all in Megahertz 4045, 4475, 4535, 4610, 4855, 7315, 7450, 7472, 7950, 8000, 11500, 12101, 12189, 12299.
- h. If these frequencies will not be possible a counter-proposal is requested in the frequency-area of abt. 4, 7 and 12 Megahertz.

(All apparatus is installed in the vehicles of the convoy)

Nr. II

No. 2083.

The Royal Netherlands Embassy presents its compliments to the Ministry of Foreign Affairs of the Democratic Republic of the Sudan and, further to the former's note dated June 22, 1974, no. 1857, and to the relevant conversations between the competent Sudanese authorities and this Embassy, has the honour to confirm the esteemed Ministry that the Government of the Kingdom of the Netherlands is prepared to put at the disposal of the Government of the Democratic Republic of the Sudan a military convoy to assist in the transport of foodstuffs within drought stricken areas of the provinces of North and South Darfur. For the composition of said convoy is referred to above-cited note, of which a true copy is attached.

It is understood from said conversations that the Sudanese Government in principle has accepted this offer. A preparatory mission of three Netherlands army officers has arrived on July 6, 1974 for

necessary technical investigations and discussions with all Sudanese authorities involved (see enclosed fotocopy of this Embassy's note dated July 4, 1974, no. 2025).

As concluded during said talks this Embassy would summarize in this note the terms and conditions upon which the convoy will be made available.

The Netherlands Government would appreciate confirmation by the esteemed Ministry that the Sudanese Government

- agrees with the execution of the above-mentioned activities of the convoy;
- shall extend the privileges, facilities and immunities, usually granted with respect to Netherlands development cooperation projects in the Sudan, to the members of the convoy and their equipment;
- shall undertake to facilitate the activities of the convoy and ensures the safety of the members of the convoy and their personal effects;
- shall indemnify and hold harmless the Netherlands Government and the members of the convoy against any extra contractual civil liability arising from any act or omission on the part of one or more of the individuals mentioned during the operations which has caused the death or physical injury of a third party or damage to the property of a third party and shall abstain, for its part, from making any claim or instituting any action for extra contractual civil liability unless such liability derives from wilful misconduct or from gross negligence on the part of one or more of the individuals mentioned;
- agrees that the members of the convoy shall be subject to the exclusive jurisdiction of the Netherlands authorities with regard to any offence, which may be committed by them in the Sudan, and shall not be subject to the civil jurisdiction of the Sudanese courts or other legal proceedings in the Sudan; with the understanding, however, that if this is the case there will be a thorough and exhaustive examination by the Sudanese Attorney General's Office and this Embassy in close consultation and cooperation; while knowing that the Netherlands Government considers it self evident, that the members of the convoy shall respect the laws and the regulations of the Democratic Republic of the Sudan and shall refrain from any activity of a political character in the Sudan and that consequently the commander of the convoy shall take all appropriate measures to ensure the observance of these obligations;
- is within the power to apprehend members of the convoy in order to turn them over without any delay to the competent Netherlands authorities in the following cases:
 - a) at the request of the commander of the convoy,

- b) when a member of the convoy is taken in the very act of an offence;
- agrees that the Netherlands authorities shall have the right to take charge and dispose of the body of a member of the convoy who dies in the Sudan;
 - agrees that the convoy uses radio equipment and frequencies, mentioned in this Embassy's note dated 22 June, 1974, no. 1857, for communication with the Netherlands and within the convoy;
 - agrees that the competent Sudanese authorities and this Embassy will consult together concerning not above-mentioned minor matters and with regard to any dispute about the interpretation or application of the above;
 - agrees that the above shall also apply to members of the convoy and equipment sent to substitute the present individuals and equipment.

If the foregoing is acceptable to the Sudanese Government this Embassy proposes that this note and the esteemed Ministry's note in reply shall constitute an agreement between the Government of the Democratic Republic of the Sudan and the Government of the Kingdom of the Netherlands, which shall enter into force on the date of the esteemed Ministry's note in reply and which shall remain in force for the duration of the operation.

It might be recalled that in the past the Sudanese Government has assented to similar terms and conditions, viz. in the case of the crew of the Royal Netherlands Airforce who maintained with a f-27 Friendship an airlift between Khartoum and Southern Sudan, and in the case of Netherlands engineers who built the bailey-bridge across the White Nile near Juba (see respectively the esteemed Ministry's notes of October 7, 1972, ref. no. MFA/Leg/1.H.74 and February 26, 1974, ref. no. MFA/ECO/64.A.30) of which fotocopies are attached).¹⁾

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Democratic Republic of the Sudan, the assurances of its highest consideration.

Khartoum, July 9, 1974.

*To the Ministry of Foreign Affairs of the
Democratic Republic of the Sudan,
Khartoum.*

¹⁾ Voor de tekst van die nota's zie in rubriek J hieronder.

Nr. III

The Democratic Republic
of the Sudan
Ministry of Foreign Affairs
MEA/ECO/9.2.1.23

The Ministry of Foreign Affairs of the Democratic Republic of the Sudan presents its compliments to the Royal Netherland Embassy and has the honour to refer to the esteemed Embassy's notes number 1857 and 2083 dated June 22, 1974 and July 9, 1974 respectively. By the Embassy's two notes referred to hereabove the Government of the Kingdom of the Netherlands has offered to put at the disposal of the Government of the Democratic Republic of the Sudan a military Convoy of her unarmed personnel along with some trucks the number of which is specified in its two notes, referred to hereabove, to assist the Government of the Democratic Republic of the Sudan in internal transportation of food stuffs in Western Sudan (Darfour) which has been affected by recent drought.

As the esteemed Embassy requested the agreement of the Government of the Democratic Republic of the Sudan to certain conditions specified in its two notes referred to hereabove, the Government of the Democratic Republic of the Sudan declares hereby its agreement to the conditions outlined in the said two notes.

The Ministry of Foreign Affairs of the Democratic Republic of the Sudan avails itself of this opportunity to renew to the Royal Netherlands Embassy the assurances of its highest consideration.

24th July 1974

*To the Royal Netherlands Embassy
Khartoum*

D. PARLEMENT

De in de nota's vervatte overeenkomst behoefde ingevolge artikel 62, eerste lid, letter c, van de Grondwet niet de goedkeuring van de Staten-Generaal, alvorens in werking te kunnen treden.

G. INWERKINGTREDING

De bepalingen van de in de nota's vervatte overeenkomst zijn ingevolge het in de nota's gestelde op 24 juli 1974 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, gold de overeenkomst alleen voor Nederland.

J. GEGEVENS

Van de op 23 oktober 1972 te Genève tot stand gekomen briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de Hoge Commissaris voor de Vluchtelingen inzake het ter beschikking stellen van een vliegtuig en bemanning van de Koninklijke Nederlandse Luchtmacht voor het onderhouden van een luchtbrug met Soedan in het kader van de door de Hoge Commissaris voor de Vluchtelingen georganiseerde hulp, met Bijlagen, waarnaar wordt verwezen in Nota Nr. II, is de tekst geplaatst in *Trb.* 1972, 168.

Van de op 14 november 1973/26 februari 1974 te Khartoum tot stand gekomen notawisseling tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Democratische Republiek Soedan inzake de bouw van een brug over de Nijl bij Juba (Soedan), waarnaar in Nota Nr. II wordt verwezen, is de tekst geplaatst in *Trb.* 1974, 102.

Uitgegeven de *tweede* december 1974.

De Minister van Buitenlandse Zaken,
M. VAN DER STOEL.