

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

---

---

JAARGANG 1991 Nr. 156

---

---

A. TITEL

*Notawisseling tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Verenigde Staten van Amerika inzake procedures te volgen bij CSE-inspecties;  
's-Gravenhage, 19 september 1991*

B. TEKST

Nr. I

MINISTRY OF FOREIGN AFFAIRS

The Hague

Atlantic Cooperation and Security  
Affairs Department  
Verification Section  
DAV/VF-N 340

## NOTA VERBALE

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of the United States of America and has the honour with reference to the Treaty on Conventional Armed Forces in Europe, done in Paris on November 19, 1990 (hereinafter referred to as the CFE Treaty), and with a view to ensuring continued close co-operation and consistent with the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces of June 19, 1951, and related Agreements, to propose on behalf of the Government of the Kingdom of the Netherlands the following procedures concerning inspections in accordance with the CFE Treaty on the territory of the Kingdom of the Netherlands of conventional armaments and equipment subject to the CFE Treaty

belonging to the United States of America, of equipment or materiel belonging to the United States of America, and of structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands.

### I.

In every case where the Government of the United States of America receives a notification from an inspecting State Party about the latter State Party's intent to conduct (an) inspection(s) pursuant to Section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands, the Government of the United States of America shall immediately upon its receipt send a copy of that notification to the Government of the Kingdom of the Netherlands. In every case where the Kingdom of the Netherlands receives a notification from an inspecting State Party about the latter State Party's intent to conduct (an) inspection(s) pursuant to Section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands, the Government of the Kingdom of the Netherlands shall immediately upon its receipt send a copy of that notification to the Government of the United States of America pursuant to Section IV, Paragraph 5, and Section VIII, Paragraph 3, of the Protocol on Inspection.

### II.

The following procedures shall apply in fulfillment of the provisions of the Protocol on Inspection of the CFE Treaty in the case where the Government of the Kingdom of the Netherlands either:

a) receives a notification from an inspecting State Party about the latter's intent to conduct (an) inspection(s) pursuant to section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands, and the Government of the United States of America simultaneously receives a notification of that inspecting State Party's intent to inspect, in the course of its inspection team's stay within the territory of the Kingdom of the Netherlands also or exclusively conventional armed forces of the United States of America stationed on the territory of the Kingdom of the Netherlands; or

b) receives a notification from an inspecting State Party about the latter's intent to conduct (an) inspection(s) pursuant to Section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands and an exercise involving the armed forces of the United States of America shall take place within the territory of the Kingdom of the Netherlands during the period the inspection team shall be present within the territory of the Kingdom of the Netherlands:

- The Government of the United States of America shall provide a

liaison officer to the Netherlands escort team at the time of arrival of an inspection team at the Point of Entry.

- The liaison officer shall be included on the escort team throughout the period that the inspection team is within the territory of the Kingdom of the Netherlands.

- Except as otherwise stated in this Note, the liaison officer shall play no role on the escort team until the inspection team declares an inspection of an Object of Verification of the United States of America or until conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, or equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands are encountered during an inspection of a declared site or during an inspection within a specified area.

- The liaison officer shall be present at and have the right to participate in the examination of equipment and supplies that the inspecting State Party brings into the territory of the Kingdom of the Netherlands pursuant to Section V, Paragraphs 5, 6 and 7, of the Protocol on Inspection.

- In addition to the notifications that shall be provided by the Government of the United States of America pursuant to the Protocol on Inspection, the liaison officer shall be provided notifications by the Government of the Kingdom of the Netherlands of the receipt of notifications of inspections conducted pursuant to Section VII or VIII of the Protocol of Inspection. The liaison officer shall be the point of contact for delivery of notifications of inspection of Objects of Verification of the United States of America.

- The liaison officer shall be furnished transportation, lodging, meals, work space and, as necessary, medical care or any other emergency assistance by the Government of the Kingdom of the Netherlands. The Government of the United States of America shall be liable to reimburse the expenses for all the above services furnished by the Government of the Kingdom of the Netherlands to the liaison officer of the Government of the United States of America.

- Conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, and structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands and located on the territory of the Kingdom of the Netherlands shall not be inspected unless a representative of the Government of the United States of America is present on the escort team.

- The representatives of the Government of the United States of America shall exercise the rights and obligations of the inspected State Party - such as provisions concerning the designation of sensitive points, shrouding, and other access control provisions specified in the

Protocol on Inspection – with respect to conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, and structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands. Additionally, any ambiguity arising concerning conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands, shall be dealt with by the senior United States of America escort.

### III.

In the case where only the Government of the Kingdom of the Netherlands receives a notification from an inspecting State Party about the latter State Party's intent to conduct (an) inspection(s) pursuant to Section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands, and the inspection site declared by the inspection team, declared either at the Point of Entry or subsequently, is one at which conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands are present, the Government of the Kingdom of the Netherlands shall immediately notify the Government of the United States of America of that fact and the location of the inspection site.

The representatives of the Government of the United States of America shall exercise the rights and obligations of the inspected State Party – such as provisions concerning the designation of sensitive points, shrouding, and other access control provisions specified in the Protocol on Inspection – with respect to conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, and structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands. Additionally, any ambiguity arising concerning conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands, shall be dealt with by the senior United States of America escort.

– Except as otherwise stated in this Note, the liaison officer shall play no role on the escort team until conventional armaments and

equipment subject to the CFE Treaty belonging to the United States of America, or equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands are encountered during an inspection of a declared site or during an inspection within a specified area.

- In addition to the notifications that shall be provided to the Government of the United States of America pursuant to the Protocol on Inspection, the liaison officer shall be provided notifications by the Government of the Kingdom of the Netherlands of the receipt of notifications of inspections conducted pursuant to section VII or VIII of the Protocol on Inspection.

- The liaison officer shall be furnished transportation, lodging, meals, work space, and, as necessary, medical care or any other emergency assistance by the Government of the Kingdom of the Netherlands. The Government of the United States of America shall be liable to reimburse the expenses for all of the above services furnished by the Government of the Kingdom of the Netherlands to the liaison officer of the Government of the United States of America.

Conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, and structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands and located on the territory of the Kingdom of the Netherlands shall not be inspected unless a representative of the Government of the United States of America is present on the escort team.

The Government of the United States of America shall provide a liaison officer to the inspection site as soon as possible after the time of notification by the Government of the Kingdom of the Netherlands of the location of the inspection site. This liaison officer shall join the escort team upon its arrival at the inspection site and shall remain on the escort team so long as the inspection team remains on the inspection site.

#### IV.

The following additional procedures shall apply in those instances where the inspection site is one at which either:

a) conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands, none of which are or contain, conventional armaments and equipment limited by the CFE Treaty, are present on the territory of the Kingdom of the

Netherlands, and either are at a declared site of the Kingdom of the Netherlands or are not at a declared site; or

b) conventional armaments and equipment belonging to the United States of America and limited by the CFE Treaty are present within the territory of the Kingdom of the Netherlands, are not located at a declared site, but are within a specified area within which a challenge inspection pursuant to Section VIII of the Protocol on Inspection of the CFE Treaty is being conducted:

- The leader of the escort team shall be a representative of the Government of the Kingdom of the Netherlands.

- Pursuant to Section XII, Paragraph 2, of the Protocol on Inspection, receipt of the inspection report of the inspection site shall be acknowledged in writing by the representative of the Government of the Kingdom of the Netherlands as the leader of the escort team.

- When the inspection is being conducted pursuant to the provisions of Section VII of the Protocol on Inspection, that is, at a declared site of the Kingdom of the Netherlands, the Government of the Kingdom of the Netherlands shall prepare the site diagram for the inspection site, in accordance with the provisions of Section VII, Paragraph 9. The Government of the Kingdom of the Netherlands shall provide the representative of the Government of the United States of America a copy of the site diagram in advance of the inspection to facilitate preparation by the armed forces of the United States of America to receive the inspection.

- Pre-inspection briefings, if any, shall be presented by representatives of the Government of the Kingdom of the Netherlands. Representatives of the Government of the United States of America shall be present at the pre-inspection briefing to answer any questions which might arise concerning conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands at the inspection site or located within the specified area, in the case of challenge inspections.

- The language used during the inspection shall be English, as notified by the Government of the Kingdom of the Netherlands.

- The Government of the Kingdom of the Netherlands shall be responsible for providing for or arranging for all services described in Section VI, Paragraph 8, of the Protocol on Inspection.

## V.

The following additional procedures shall apply in those instances where the inspection site is one at which conventional armaments and equipment limited by and subject to the CFE Treaty belonging to the United States of America and conventional armaments and equip-

ment subject to the CFE Treaty belonging to the Kingdom of the Netherlands, or structures or premises utilized by the Kingdom of the Netherlands are present:

- The leader of the escort team within the inspection site shall be a representative of the State Party whose Object of Verification is being inspected. The State Party whose Object of Verification is being inspected shall also be responsible for providing the escort team during the inspection. In the case of an inspection of an Object of Verification of the United States of America, the Government of the Kingdom of the Netherlands shall provide up to representatives to remain on the escort team.

- Acknowledgement of receipt of the inspection report shall be carried out by the leader of the escort team, in accordance with Section XII, Paragraph 2, of the Protocol on Inspection.

- The Government of the Kingdom of the Netherlands shall prepare the site diagram for the inspection site, in accordance with the provisions of Section VII, Paragraph 9. The Government of the United States of America shall provide information concerning Objects of Verification of the United States of America to the Government of the Kingdom of the Netherlands to assist in the preparation of the site diagram.

- When the inspection is being conducted of an Object of Verification of the Kingdom of the Netherlands, representatives of the Government of the Kingdom of the Netherlands shall present the pre-inspection briefing. Representatives of the Government of the United States of America shall be present at the pre-inspection briefing to answer any questions which might arise concerning conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands on the inspection site.

- When the inspection is being conducted of an Object of Verification of the United States of America, representatives of the Government of the Kingdom of the Netherlands and the Government of the United States of America shall jointly conduct the pre-inspection briefing described in Section VII, Paragraphs 10 and 11, of the Protocol on Inspection. Each representative shall contribute information required by those Paragraphs with respect to conventional armaments and equipment subject to the Treaty belonging to the respective States Parties, with respect to equipment or materiel belonging to the respective States Parties and with respect to structures or premises utilized by the respective States Parties on the inspection site. A representative of the Government of the United States of America shall introduce the pre-inspection briefing.

- The language used during an inspection of an Object of Verification of the Kingdom of the Netherlands shall be English, as notified by

the Government of the Kingdom of the Netherlands. The language used during an inspection of an Object of Verification of the United States of America shall be English.

– The State Party whose Object of Verification is being inspected shall be responsible for providing or arranging for all services described in Section V, Paragraph 8, of the Protocol on Inspection. Such services shall include the provision of meals, lodging, work space, transportation and, as necessary, medical care or any other emergency assistance. The Government of the United States of America may request the assistance of the Government of the Kingdom of the Netherlands in providing some or all of these services if they are not available within the object of Verification of the United States of America or the common area on the inspection site. The Government of the United States of America shall bear the expenses for all such services provided by the Government of the Kingdom of the Netherlands at the request of the Government of the United States of America.

## VI.

If the aforementioned proposal is acceptable, the Ministry of Foreign Affairs further proposes on behalf of the Government of the Kingdom of the Netherlands that this Note, together with the Embassy's reply to that effect, shall constitute an Agreement between the Government of the Kingdom of the Netherlands and the Government of the United States of America which shall enter into force on the date of the entry into force of the CFE Treaty and shall remain in force so long as the Treaty remains in force. Proposals for amendments to this Agreement can be put forward by either Side and shall be the subject of consultations between the Government of the Kingdom of the Netherlands and the Government of the United States of America as mutually agreed. Amendments shall enter into force with procedures to be agreed upon.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands takes this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

The Hague, September 19, 1991

*To the Embassy of the  
United States of America  
Lange Voorhout 102  
2514 EJ 's-Gravenhage*

---

## Nr. II

EMBASSY OF THE UNITED STATES OF AMERICA

No. 119

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 the Ministry's Note No. DAV/VF-N340 of September 19, 1991, regarding procedures concerning inspections in accordance with the Treaty on Conventional Armed Forces in Europe (CFE) on the territory of the Kingdom of the Netherlands of conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, of equipment or materiel belonging to the United States of America, and of structures and premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands.

The Embassy has the honor to reply that the procedures as set forth in the Ministry's Note No. DAV/VF-N340 are acceptable to the Government of the United States of America. The Ministry's Note and this reply shall constitute an agreement between our two governments which shall enter into force on the date of the entry into force of the CFE Treaty. The Embassy of the United States of America takes this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

The Hague, September 19, 1991

---

D. PARLEMENT

De in de nota's vervatte overeenkomst behoeft niet de goedkeuring van de Staten-Generaal ingevolge artikel 91, juncto additioneel artikel XXI, eerste lid, onderdeel b, van de Grondwet en juncto artikel 62, eerste lid, onderdeel b, van de Grondwet naar de tekst van 1972.

G. INWERKINGTREDING

De bepalingen van de in de nota's vervatte overeenkomst zullen ingevolge deel VI van nota I in werking treden op de datum van inwerkingtreding van het in rubriek J hieronder genoemde Verdrag van 19 november 1990.

J. GEGEVENS

Van het op 19 november 1990 te Parijs tot stand gekomen Verdrag inzake conventionele strijdkrachten in Europa, met Protocolen, ter uitvoering van welk Verdrag de in de onderhavige nota's vervatte overeenkomst strekt, is de Engelse tekst geplaatst in *Trb.* 1991, 31 en de Nederlandse vertaling in *Trb.* 1991, 106.

Van het op 19 juni 1951 te Londen tot stand gekomen Verdrag tussen de staten die partij zijn bij het Noord-Atlantische Verdrag nopens de rechtspositie van hun krijgsmachten, naar welk verdrag wordt verwezen in nota nr. I, zijn de Engelse en de Franse tekst geplaatst in *Trb.* 1951, 114; zie ook, laatstelijk, *Trb.* 1990, 166.

Uitgegeven de achtste november 1991.

*De Minister van Buitenlandse Zaken,*

H. VAN DEN BROEK