

5 (1983) Nr. 3

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1996 Nr. 203

A. TITEL

*Bilaterale Overeenkomst tussen het Koninkrijk der Nederlanden en de Bondsrepubliek Nigeria inzake luchtdiensten, met Bijlage;
’s-Gravenhage, 26 januari 1983*

B. TEKST

De tekst van de Overeenkomst, met Bijlage, is geplaatst in *Trb.* 1983, 40. Voor aanvulling van de tekst van de Overeenkomst zie rubriek J hieronder.

C. VERTALING

Zie *Trb.* 1983, 40.

D. PARLEMENT

Zie *Trb.* 1983, 142. Zie voorts rubriek J hieronder.

G. INWERKINGTREDING

Zie *Trb.* 1983, 142. Zie voorts rubriek J hieronder.

J. GEGEVENS

Zie *Trb.* 1983, 40.

Voor het op 7 december 1944 te Chicago tot stand gekomen Verdrag inzake de internationale burgerluchtvaart zie ook, laatstelijk, *Trb.* 1996, 32.

Van het op 14 september 1963 te Tokio tot stand gekomen Verdrag inzake strafbare feiten en bepaalde andere handelingen begaan aan boord van luchtvaartuigen, waarnaar wordt verwezen in het hieronder afgedrukte artikel 11a, eerste lid, is de tekst geplaatst in *Trb.* 1964, 115 en de vertaling in *Trb.* 1964, 186; zie ook, laatstelijk, *Trb.* 1995, 203.

Van het op 16 december 1970 te 's-Gravenhage tot stand gekomen Verdrag tot bestrijding van het wederrechtelijk in zijn macht brengen van luchtvaartuigen, waarnaar eveneens wordt verwezen in het hieronder afgedrukte artikel 11a, eerste lid, zijn de Engelse en de Franse tekst alsmede de vertaling geplaatst in *Trb.* 1971, 50; zie ook, laatstelijk, *Trb.* 1995, 204.

Van het op 23 september 1971 te Montreal tot stand gekomen Verdrag tot bestrijding van wederrechtelijke gedragingen, gericht tegen de veiligheid van de burgerluchtvaart, waarnaar eveneens wordt verwezen in het hieronder afgedrukte artikel 11a, eerste lid, zijn de Engelse en de Franse tekst alsmede de vertaling geplaatst in *Trb.* 1971, 218; zie ook, laatstelijk, *Trb.* 1995, 205.

Bij notawisseling van 15 april 1994 en 14 juni 1996 te Lagos en Abuja is in overeenstemming met artikel 15, tweede lid, van de Overeenkomst een aanvulling van de Overeenkomst tot stand gekomen. De tekst van de nota's luidt als volgt:

Nr. I

ROYAL NETHERLANDS EMBASSY

No lag-mk-1232

The Embassy of the Kingdom of the Netherlands presents its compliments to the Ministry of Foreign Affairs of the Federal Republic of Nigeria and, with reference to the consultations between the aeronautical authorities of both countries of 11 to 13 January 1994, has the honour to propose the following.

In the consultations the aeronautical authorities decided to modify the Bilateral Air Services Agreement between the Government of the Kingdom of the Netherlands and the Government of the Federal Republic of Nigeria of 26 January 1983, by adding a new Article 11a on Aviation Security as reflected in the Annex to this Note.

In accordance with Article 15, paragraph 2 of the Bilateral Air Services Agreement between the Government of the Kingdom of the Netherlands and the Government of the Federal Republic of Nigeria, the Embassy has the honour to propose to the Ministry that this Note and its reply shall constitute an Agreement between the Kingdom of the Netherlands and the Federal Republic of Nigeria which shall enter into force on the first day of the second month following the date of receipt of the last Note confirming that the constitutional requirements have been complied with.

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

Lagos, 15 April 1994

*To the Ministry of Foreign Affairs
of the Federal Republic of Nigeria
c/o Liaison Office
23, Marina
Lagos*

Annex

Article 11a

Aviation Security

1. Consistent with their rights and obligations under international law, the Contracting Parties reaffirm that their obligation to each other to protect the security of civil aviation against acts of unlawful interference forms an integral part of this Agreement. Without limiting the generality of their rights and obligations under international law, the Contracting Parties shall in particular act in conformity with the provisions of the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, in so far as the Contracting Parties are both Party to these Conventions.

2. The Contracting Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their passengers, and crew, airports and air navigation facilities, and any other threat to the security of civil aviation.

3. The Contracting Parties shall, in their mutual relations, act in conformity with the aviation security provisions established by the International Civil Aviation Organization and designated as Annexes to the Convention of International Civil Aviation to the extent that such security provisions are applicable to the Contracting Parties on a non-discriminatory basis; they shall require that operators of aircraft on their registry or operators of aircraft who have their principal place of business or permanent residence in their territory and the operators of airports in their territory act in conformity with such aviation security provisions.

4. Each Contracting Party agrees that such operators of aircraft may be required to observe the aviation security provisions referred to in paragraph 3 of this Article required by the other Contracting Party for entry into, departure from, or while within the territory of that other Contracting Party. Each Contracting Party shall ensure, that adequate measures are effectively applied within its territory to protect the aircraft and to inspect passengers, crews, carry-on items, baggage, cargo and aircraft stores prior to and during boarding and loading. Each Contracting Party shall also give sympathetic consideration to any request from the other Contracting Party for reasonable special security measures to meet a particular threat.

5. When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of such aircraft, their passengers and crew, airports or air navigation facilities occurs, the Contracting Parties shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat thereof.

6. The Contracting Parties shall act consistently with applicable aviation security provisions established by the International Civil Aviation Organization. Should a Contracting Party depart from such provisions, the other Contracting Party may request consultations with that Contracting Party. Unless otherwise agreed by the Contracting Parties, such consultations shall begin within a period of sixty (60) days of the date of receipt of such a request. Failure to reach a satisfactory agreement could constitute grounds for the application of Article 13 of this Agreement.

Nr. II

Note NO G418/96

The Ministry of Foreign Affairs of the Federal Republic of Nigeria presents its compliments to the Embassy of the Kingdom of the Netherlands and has the honour to acknowledge receipt of the latter's Note Verbale No. LAG-IJ-518 dated 23 April, 1996.

Further to its Note No. G 102/94 of 4th March, 1994, the Ministry confirms the acceptance by the appropriate Nigerian authority of the proposal contained in the Embassy's Note No. LAG-MK-1232 dated 15 April, 1994 which followed the consultations between the aeronautical authorities of both countries from 11 to 13 January, 1994 and hereunder reproduced:

“In the consultations the aeronautical authorities decided to modify the Bilateral Air Services Agreement between the Government of the Federal Republic of Nigeria and the Government of the Kingdom of the Netherlands of 26 January, 1983, by adding a new Article 11a on Aviation Security which reads thus:

(Zoals in de Annex onder Nr. I)

The Ministry therefore agrees with the above proposal and confirms that in accordance with Article 15, paragraph 2, of the Bilateral Air Services Agreement between the Government of the Federal Republic of Nigeria and the Government of the Kingdom of the Netherlands of 26 January 1983 the Embassy's Note and this reply shall constitute an Agreement between the Federal Republic of Nigeria and the Kingdom of the Netherlands modifying that Agreement by adding the new Article 11a on Aviation Security. This Agreement shall enter into force on the first day of the second month following the date of receipt of the last Note confirming that the constitutional requirements have been complied with.

The Ministry of Foreign Affairs of the Federal Republic of Nigeria avails itself of this opportunity to renew to the Embassy of the Kingdom of the Netherlands the assurances of its highest consideration.

Abuja, 14th June, 1996

*Embassy of the Kingdom of the Netherlands,
24 Ozumba Mbadiwe Avenue,
Victoria Island,
Lagos.*

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

Het verdrag zal ingevolge het gestelde in de voorlaatste alinea van de nota's in werking treden op de eerste dag van de tweede maand volgend op de datum van ontvangst van de laatste der mededelingen dat aan de constitutionele vereisten daarvoor is voldaan.

Uitgegeven de vijftiende augustus 1996.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO