

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1999 Nr. 98

A. TITEL

Briefwisseling houdende een verdrag inzake de vestiging van steunpunten voor Amerikaanse strijdkrachten op de Nederlandse Antillen en Aruba in verband met drugsbestrijdingsactiviteiten; 's-Gravenhage, 9/13 april 1999

B. TEKST

Nr. I

EMBASSY OF THE UNITED STATES OF AMERICA

No. 20

The Hague, April 9, 1999

Excellency:

Following discussions between representatives of our Governments I have the honour to propose on behalf of the Government of the United States of America the following concerning our further cooperation in the fight against illicit drug trafficking in the Western Hemisphere:

1. The United States of America and the Kingdom of the Netherlands, concerned about the threat that illicit drugs pose to the health and well-being of people in their respective societies, wish to stress their continued commitment with respect to cooperative measures against drug trafficking in the Western Hemisphere.

2. To that end, the Kingdom of the Netherlands shall facilitate both ground and air access to and use of selected airfields by United States Armed Forces and United States Government civilian personnel, as well as United States contractors, in the Netherlands Antilles and Aruba for the purpose of conducting counternarcotics detection and monitoring and, as appropriate, interdiction missions.

3. Overflight clearance procedures established in the United States Embassy's note No. 47 of October 20, 1998, and the Ministry of Foreign Affairs' note No. VADV-2188/98 of December 18, 1998, shall be adhered to scrupulously.

4. United States Armed Forces and United States Government civilian personnel shall respect the laws of the Kingdom of the Netherlands (Netherlands Antilles and Aruba). While in the Netherlands Antilles and Aruba in connection with this agreement, United States Armed Forces and United States Government civilian personnel shall abstain from any activity inconsistent with this agreement; they shall enjoy immunity from the criminal, civil, and administrative jurisdiction of the Kingdom of the Netherlands (Netherlands Antilles and Aruba). However, such personnel shall not be immune from the civil and administrative jurisdiction of the Kingdom of the Netherlands (Netherlands Antilles and Aruba) for acts performed outside the course of their duties. The authorities of the United States shall give sympathetic consideration to a request for a waiver of immunity in cases which the authorities of the Kingdom of the Netherlands (Netherlands Antilles and Aruba) consider to be of particular importance.

5. The Kingdom of the Netherlands (Netherlands Antilles and Aruba) shall accept as valid driving licenses issued by appropriate United States authorities to United States Armed Forces, United States Government civilian personnel, and the personnel of United States contractors present in the Netherlands Antilles and Aruba pursuant to this agreement. Vehicles owned by the United States Armed Forces need not be licensed or registered by host countries' authorities.

6. With regard to licensing and registration of company vehicles, and the export, import, and acquisition of goods and equipment, as well as personal effects, United States contractors and their personnel shall be accorded the same privileges as United States Armed Forces and United States Government civilian personnel.

7. Operations by United States Armed Forces and United States Government civilian personnel shall be conducted pursuant to existing command and control arrangements between the competent authorities of the Parties. Arrangements implementing the command and control structures may be agreed upon by the competent authorities.

8. Unless they benefit from more favorable treatment under international law, assigned United States Armed Forces and United States Government civilian personnel shall be allowed entry into and exit out of the Netherlands Antilles and Aruba with appropriate United States identification and with collective movement or individual travel orders, and be exempted from visa requirements. United States authorities shall be prepared to provide to appropriate host country authorities the passenger manifest of aircraft within a reasonable period of time after arrival.

9. United States Armed Forces and United States Government civilian personnel shall be authorized to wear uniforms and to carry arms while on duty if authorized to do so by their orders. The carrying of arms shall be limited to the airfield, to include the designated aircraft parking area, the broader airfield restricted area, and the weapons storage area.

10. The competent authorities of the Parties shall consult with regard to appropriate security measures to be taken with respect to the United States Armed Forces and United States Government civilian personnel, contractor employees, and property.

11. Products, property, material, equipment, and personal effects imported into, exported from, or acquired in the Netherlands Antilles and Aruba in connection with counternarcotics operations under this agreement shall be exempt from import and export fees and direct or indirect taxation.

12. Aircraft and vessels operated by or for the United States of America shall not be subject to the payment of landing, parking, port, navigation, or overflight charges; however, the United States of America shall pay reasonable charges for services requested and received.

13. The United States of America and the Kingdom of the Netherlands (Netherlands Antilles and Aruba) waive any claims (other than contractual claims) against each other for damage, loss, or destruction of the other government's property arising out of official activities, or for the injury or death suffered by Armed Forces personnel and other government personnel while engaged in the performance of their duties. In cases where one of the Parties is of the opinion that the claim may be of unusual seriousness, the Parties shall consult. The United States of America shall pay under applicable United States law compensation in settlement of claims by third parties. Such claims shall be filed with the authorities in charge of United States operations under this agreement in the Netherlands Antilles and Aruba, as the case may be. United States authorities shall process such claims promptly, in accordance with United States law. Contractual claims will be settled by the arrangements set forward in the respective contracts.

14. Each Party shall facilitate the cooperative counternarcotics efforts envisioned by this agreement to the maximum extent possible, and shall consult as appropriate.

15. Any disagreements arising out of the application of this agreement shall be settled through consultation between the appropriate authorities, including if necessary through diplomatic channels.

16. The Parties shall facilitate to the extent possible cooperation with other nations in the region.

17. Recognizing that time constraints do not currently allow for more detailed arrangements, this exchange of notes and the provisions con-

tained therein will serve as a guide for the development of a more definitive agreement setting forth the terms and conditions for a continued United States cooperative presence in the Netherlands Antilles and Aruba for a more extended time period.

18. The provisions contained in this agreement shall serve to support an initial approach to the development of a continued cooperative United States presence subject to applicable requirements of the Parties. Both Parties shall consider the provisions of this agreement as applying uniquely to the activities covered by this agreement.

If these proposals are acceptable to the Government of the Kingdom of the Netherlands, I have the honor to propose that this note and your Excellency's affirmative note in reply, shall constitute an agreement between the United States of America and the Kingdom of the Netherlands, which shall enter into force for a maximum period of one year on the date of your Excellency's note in reply. Within one year from the date that this agreement has entered into force, the Parties intend to conclude a more definitive agreement setting forth the terms and conditions for a continued United States cooperative presence in the Netherlands Antilles and Aruba.

Please accept, Excellency, the renewed assurances of my highest consideration.

(sd.) STEPHEN R. KELLY

Chargé d'Affaires ad interim

*His Excellency
J. J. van Aartsen
Minister of Foreign Affairs*

Nr. II

The Hague, 13 April 1999

Excellency,

I have the honour to acknowledge receipt of your note of April 9, 1999 no. 20, which reads as follows:

(zoals in Nr. I)

I have the honour to inform you that the above-mentioned proposals are acceptable to the Government of the Kingdom of the Netherlands. The Government of the Kingdom of the Netherlands considers your let-

ter and this reply as an agreement between the Kingdom of the Netherlands and the United States of America, which shall enter into force for a maximum period of one year on the date of this reply. Within one year from the date that this agreement has entered into force, the Parties intend to conclude a more definitive agreement setting forth the terms and conditions for a continued United States cooperative presence in the Netherlands Antilles and Aruba.

Please accept, Excellency, the renewed assurances of my highest consideration.

(sd.) J. J. VAN AARTSEN

J. J. van Aartsen
Minister of Foreign Affairs

*Her Excellency
Dr Cynthia P. Schneider
Ambassador of the United States of America
The Hague*

D. PARLEMENT

Het in de brieven vervatte verdrag heeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal, alvorens in werking te kunnen treden.

G. INWERKINGTREDING

De bepalingen van het in de brieven vervatte verdrag zijn ingevolge het in de voorlaatste alinea van de brieven gestelde op 13 april 1999 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt het verdrag voor de Nederlandse Antillen en Aruba.

J. GEGEVENS

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het verdrag zal zijn bekendgemaakt in het gehele Koninkrijk op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *vijftiende* juni 1999.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN