

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2008 Nr. 104

A. TITEL

*Briefwisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en de Republiek Somalië betreffende de steun van Nederlandse strijdkrachten bij de bescherming van humanitaire hulp voor Somalië tegen piraterij;
Nairobi, 1 april 2008*

B. TEKST

De Engelse tekst van het in brieven vervatte verdrag is geplaatst in *Trb.* 2008, 85.

De Engelse tekst van het in brieven vervatte verdrag van 1 april 2008, in aanvulling op bovenstaand verdrag, tussen het Koninkrijk der Nederlanden en de Comoren is geplaatst in *Trb.* 2008, 85.

De Spaanse tekst van het in brieven vervatte verdrag van 24 april 2008, in aanvulling op bovenstaand verdrag, tussen het Koninkrijk der Nederlanden en de Republiek Panama is geplaatst in *Trb.* 2008, 97.

Op 8 mei 2008 is, in aanvulling op bovenstaand verdrag, eveneens bij briefwisseling een verdrag totstandgekomen tussen het Koninkrijk der Nederlanden en de Republiek Somalië betreffende de steun van Nederlandse strijdkrachten bij de bescherming tegen piraterij van een schip onder Somalische vlag dat humanitaire hulp aan Somalië levert. De tekst van de brieven luidt als volgt:

Nr. I

ROYAL NETHERLANDS EMBASSY

Nairobi, 29 April 2008

Ref. NAI-G/2008/193

Your Excellency,

I have the honour, speaking on behalf of my Government, of making the following proposal to you to supplement the agreement that entered into force between the Republic of Somalia and the Kingdom of the Netherlands on the 1st of April 2008 concerning the protection tasks to be performed by the Netherland forces with regard to World Food Programme ships in the territorial waters of the Republic of Somalia, with the following provisions:

– For the protection of the ships of Somalia, being the Flag State of the ships chartered by the World Food Programme, the Government of Somalia, as Flag State:

a) in conjunction with the owners of the ships flying its flag, shall facilitate the embarkation of Dutch Forces on ships chartered by the World Food Programme;

b) in conjunction with the owners of the ships flying its flag, shall facilitate cooperation between the Dutch Forces, including those on board such ships, and the ship's crew;

c) shall authorise the Dutch Forces to take all necessary steps, including the proportionate use of force. In this connection, the Dutch Forces shall assess the correct match between the means to be employed and the manner in which they are to be employed, at whatever level.

– The Government of Somalia, as Flag State, authorises the possession of weapons and munitions for security by Dutch military personnel present on board ships chartered by the World Food Programme and flying its flag.

– The Government of Somalia, as Flag State, grants to Dutch military personnel present on board its WFP-contracted ships for the purpose of their protection, personal inviolability and immunity from legal proceedings in its criminal, civil and administrative courts, in addition to immunity from execution.

– The death of any member of the personnel of Dutch Forces on board a ship of the Flag State shall be declared to the authorities of that State, which hereby agrees to hand over the body to the Dutch authorities without delay.

I assume the provisions set out above meet with the approval of your Government. If this is the case, the present letter, and your reply, shall constitute the agreement entered into by our two Governments concerning the protection tasks to be performed by Dutch Forces with regard to World Food Programme-contracted ships on inbound or outbound journeys between the territorial waters of the last port of call and their entry into the port of destination in Somalia, and that agreement shall take effect on the date of your reply.

Please accept the assurances of my highest consideration.

KEES VAN BAAR
Deputy Head of Mission
Royal Netherlands Embassy

*H.E. Mohammed Ali Nur
Ambassador of the TFG of the Republic of Somalia
Jabavu Road, Hurlingham
Nairobi*

Nr. II

EMBASSY OF THE SOMALI REPUBLIC

Nairobi, 8 May 2008

ESR/344/08

Your Excellency,

I have the honour, speaking on behalf of my Government, of making the following proposal to you to supplement the agreement that entered into force between the Republic of Somalia and the Kingdom of the Netherlands on the 1st of April 2008 concerning the protection tasks to be performed by the Netherland forces with regard to World Food Programme ships in the territorial waters of the Republic of Somalia, with the following provisions:

– For the protection of the ships of Somalia, being the Flag State of the ships chartered by the World Food Programme, the Government of Somalia, as Flag State:

a) in conjunction with the owners of the ships flying its flag, shall facilitate the embarkation of Dutch Forces on ships chartered by the World Food Programme;

b) in conjunction with the owners of the ships flying its flag, shall facilitate cooperation between the Dutch Forces, including those on board such ships, and the ship's crew;

c) shall authorise the Dutch Forces to take all necessary steps, including the proportionate use of force. In this connection, the Dutch Forces shall assess the correct match between the means to be employed and the manner in which they are to be employed, at whatever level.

– The Government of Somalia, as Flag State, authorises the possession of weapons and munitions for security by Dutch military personnel present on board ships chartered by the World Food Programme and flying its flag.

– The Government of Somalia, as Flag State, grants to Dutch military personnel present on board its WFP-contracted ships for the purpose of their protection, personal inviolability and immunity from legal proceedings in its criminal, civil and administrative courts, in addition to immunity from execution.

– The death of any member of the personnel of Dutch Forces on board a ship of the Flag State shall be declared to the authorities of that State, which hereby agrees to hand over the body to the Dutch authorities without delay.

I assume the provisions set out above meet with the approval of your Government. If this is the case, the present letter, and your reply, shall constitute the agreement entered into by our two Governments concerning the protection tasks to be performed by Dutch Forces with regard to World Food Programme-contracted ships on inbound or outbound journeys between the territorial waters of the last port of call and their entry into the port of destination in Somalia, and that agreement shall take effect on the date of your reply.

Please accept the assurances of my highest consideration.

H.E. MOHAMED ALI NUR
Ambassador

*H.E. Laetitia Van Den Assum
Ambassador of the Royal Netherlands Embassy
Nairobi*

D. PARLEMENT

Zie *Trb.* 2008, 85 en 97.

Het in brieven vervatte verdrag van 8 mei 2008 behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

Zie *Trb.* 2008, 85 en 97.

De bepalingen van het in brieven vervatte verdrag van 8 mei 2008 zijn ingevolge het gestelde in de op één na laatste alinea van brieven Nr. I en Nr. II in werking getreden op 8 mei 2008.

Wat betreft het Koninkrijk der Nederlanden, geldt het in brieven vervatte verdrag alleen voor Nederland.

J. VERWIJZINGEN

Zie *Trb.* 2008, 85.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het in brieven vervatte verdrag van 8 mei 2008 zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *drieëntwintigste* mei 2008.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN