

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2019 Nr. 157

A. TITEL

*Notawisseling houdende een Verdrag tussen het Koninkrijk der Nederlanden en het Gemeenebest Dominica met betrekking tot de status van het personeel van het ministerie van Defensie van het Koninkrijk der Nederlanden wanneer aanwezig op het grondgebied van het Gemeenebest Dominica ten behoeve van humanitaire bijstand en rampenbestrijding;
Roseau, 1 oktober 2019*

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 013656 in de Verdragenbank.

B. TEKST

Bij notawisseling tussen het Koninkrijk der Nederlanden en het Gemeenebest Dominica is op 1 oktober 2019 te Roseau een verdrag tot stand gekomen. De tekst van dit in nota's vervatte verdrag luidt als volgt:

Nr. I

THE EMBASSY OF THE KINGDOM OF THE NETHERLANDS

Port of Spain, 22 August 2019

Note POR/19-107

The Embassy of the Kingdom of the Netherlands presents its compliments to the Ministry of Foreign Affairs of the Commonwealth of Dominica and has the honour to propose an Agreement between the Kingdom of the Netherlands and the Commonwealth of Dominica (hereinafter referred to as "the Contracting Parties") regarding the status of personnel of the Ministry of Defence of the Kingdom of the Netherlands who will be present in the territory of the Commonwealth of Dominica for the purpose of humanitarian assistance and disaster relief.

Article I

Scope and definitions

1. This agreement shall apply in situations where military forces of the Kingdom of the Netherlands are present in the territory of the Commonwealth of Dominica for the purpose of humanitarian assistance or disaster relief, in response to a request of the Commonwealth of Dominica, either bilateral or through an international organization.
2. For the purpose of this Agreement and its implementation:
 - a. The term "Personnel" means military or civilian personnel of the Ministry of Defence of the sending State.
 - b. The term "Military personnel" means the military personnel of the Ministry of Defence of the sending State, including foreign military personnel forming an integral part of military units of the sending State.
 - c. The term "sending State" means the Kingdom of the Netherlands.
 - d. The term "receiving State" means the Commonwealth of Dominica.

Article II

Entry and exit requirements

1. The authorities of the receiving State shall allow the Personnel unimpeded entry into and exit from the territory of the receiving State with a passport or a military identity card. The Personnel shall be exempt from visa regulations, immigration inspection, entry and exit fees, duties or any other entry or exit requirements. The Personnel shall have freedom of movement and access to and use of all facilities required for the purpose of this Agreement.
2. Equipment, materials, supplies and other property imported into the receiving State by the sending State in connection with this Agreement shall be exempt from inspection, import and export fees, duties, taxes and other charges otherwise leviable in the receiving State.

Article III

Discipline and jurisdiction

1. The Personnel shall respect the laws in force in the receiving State and shall refrain from any activity inconsistent with the spirit of this Agreement.
2. Disciplinary jurisdiction over the Personnel shall remain a prerogative of the competent authorities of the sending State.
3. The Personnel shall not be liable to any form of arrest or detention.
4. The Personnel shall enjoy immunity from the criminal, civil and administrative jurisdiction of the receiving State for all acts performed by them in their official capacity. The immunity from jurisdiction may be waived by the sending State in writing only.

Article IV

Arms

1. The Military personnel may carry arms and ammunition on condition that they are authorised to do so by their orders.
2. The Military personnel may use arms and ammunition only for the purpose of self-defence or defence of others against acts which endanger life or are likely to cause serious bodily harm.

Article V

Driving permits

The receiving State shall accept as valid, without test and without payment of fees, the current and valid driving permit or licence or military driving permit of the Personnel for the category of motor vehicles identical to those for which the permit has been issued by the sending State.

Article VII

Claims

1. The Contracting Parties waive any claims against each other for damage to or loss of government property and for injury (including injury resulting in death) suffered by the Personnel of the Contracting Parties, arising out of official duties.
2. Paragraph 1 of this article is not applicable if damage to or loss of government property or injury suffered by the Personnel mentioned in that paragraph has been the result of gross negligence or wilful misconduct.

Article VIII

Death in service

1. The authorities of the sending State who are present in the receiving State are authorised to take charge of the repatriation of the body of a deceased member of the Personnel, as well as his personal possessions, and may take appropriate measures to this end.

2. An autopsy on the body of a deceased member of the Personnel may only be performed with the consent of the authorities of the sending State and in the presence of a representative thereof, to the extent permitted by the laws of the receiving State.

Article IX

Amendment

Either Party may at any time propose negotiations to amend the provisions of this Agreement.

Article X

Settlement of disputes

Any disagreements that may arise from the application or implementation of this Agreement shall be settled through consultation between the appropriate authorities of the Contracting Parties, including, as necessary, through diplomatic channels.

Article XI

Duration

This Agreement shall remain in force for the duration of the presence of the Personnel of the Ministry of Defence of the Kingdom of the Netherlands in the Commonwealth of Dominica, but for no longer than one year from the date this Agreement enters into force. Notwithstanding, the provisions of this Agreement regarding the payment of claims shall remain in force for such time as is necessary to resolve any outstanding claims arising under this Agreement.

The Agreement may be renewed by mutual written agreement of the Contracting Parties.

If the foregoing is acceptable to the Government of the Commonwealth of Dominica, the Embassy of the Kingdom of the Netherlands has the honour to propose that this Note and the affirmative Note in reply of the Ministry shall constitute an Agreement between the Kingdom of the Netherlands and the Commonwealth of Dominica, which shall enter into force on the date of the Ministry's Note.

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

Ministry of Foreign and CARICOM Affairs of the Commonwealth of Dominica
Roseau

Nr. II

MINISTRY OF FOREIGN AND CARICOM AFFAIRS OF THE COMMONWEALTH OF DOMINICA

Roseau, 1 October 2019

Ref. 215/08-3931

The Ministry of Foreign and CARICOM Affairs of the Commonwealth of Dominica presents its compliments to the Embassy of the Kingdom of the Netherlands and has the honour to refer to the Agreement regarding a short-term Status of Forces Agreement (SOFA) between the Government of the Commonwealth of Dominica and the Government of the Kingdom of the Netherlands for the status of personnel of the Ministry of Defense of the Kingdom of the Netherlands who will be present in the territory of the Commonwealth of Dominica for the purpose of Humanitarian assistance and disaster relief.

The Ministry has the further honour to advise the Embassy of the Government of Dominica's acceptance of the terms of the Agreement.

The Ministry further seeks the kind assistance of the Embassy in transmitting the aforementioned information to the relevant authorities in the Kingdom of the Netherlands.

The Ministry of Foreign and CARICOM Affairs of the Commonwealth of Dominica thanks the Embassy of the

Kingdom of the Netherlands for its continued collaboration and avails itself of this opportunity to renew the assurances of its highest consideration.

*Embassy of the Kingdom of the Netherlands
Port of Spain*

D. PARLEMENT

Het in de nota's vervatte verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge het gestelde in de op één na laatste alinea van nota Nr. I en de tweede alinea van nota Nr. II op 1 oktober 2019 in werking getreden.

Ingevolge artikel XI zal het in de nota's vervatte verdrag niet langer dan één jaar van kracht zijn.

Wat betreft het Koninkrijk der Nederlanden, geldt het in de nota's vervatte verdrag voor Nederland (het Europese deel).

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het in de nota's vervatte verdrag van 1 oktober 2019 zal zijn bekendgemaakt in Nederland (het Europese deel) op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de zeventiende oktober 2019.

De Minister van Buitenlandse Zaken,

S.A. BLOK