

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2019 Nr. 46

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden, ten behoeve van Curaçao, en de Verenigde Staten van Amerika, inzake toegang tot en gebruik van faciliteiten op Curaçao voor humanitaire bevoorradingsmiddelen bedoeld voor de bevolking van de Bolivariaanse Republiek Venezuela;
Willemstad, 15 maart 2019*

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 013662 in de Verdragenbank.

B. TEKST

Agreement between the Kingdom of the Netherlands, in respect of Curaçao, and the United States of America concerning Access to and Use of Facilities in Curaçao for humanitarian supplies reserved for the people of the Bolivarian Republic of Venezuela

The Kingdom of the Netherlands, in respect of Curaçao,

And

The United States of America

(hereinafter referred to as the Parties),

Have agreed as follows:

Article I

Definitions

For the purposes of this Agreement:

- a. "United States personnel" shall refer to the personnel of the U.S. Government who are present in Curaçao in connection with this Agreement.
- b. "Facilities" shall refer to those sites, installations, structures, and areas, identified in writing by Curaçao after consultation with the United States, to which the United States Government and its Implementing Partners are authorized access and use, in connection with this Agreement.
- c. "Implementing Partners" shall refer to entities and individuals operating under a grant or contract with the U.S. government.

Article II

Purpose and authorization

1. Curaçao agrees to allow United States personnel and Implementing Partners access to and use of designated Facilities, solely for the purpose of providing humanitarian assistance for Venezuela and third countries affected by the crisis in Venezuela.
2. Transport of humanitarian assistance under this Agreement to and from Curaçao shall take place with civilian assets, unless otherwise authorized in accordance with paragraph 5 of this Article.

3. The transfer of humanitarian assistance directly from Curaçao to Venezuela shall only take place if the situation permits an orderly distribution of the assistance in peaceful circumstances within Venezuela.

4. If the Kingdom of the Netherlands determines, after consultation with the United States, that the situation does not permit an orderly distribution of the humanitarian assistance in peaceful circumstances within Venezuela, Curaçao shall not be used as a hub to transfer and distribute such assistance to Venezuela. Humanitarian assistance may, however, be transferred to and stored in Curaçao anticipating transfer to Venezuela if the circumstances so permit; until that time there shall be no transfer of humanitarian assistance to Venezuela. At any time, the United States and its Implementing Partners may transfer humanitarian assistance to third countries.

5. The use of other assets is not allowed under this Agreement unless logistical circumstances require the use of such assets for transfer of the humanitarian assistance to Curaçao, and it shall only be allowed after prior consent of the Kingdom of the Netherlands.

Article III

Respecting national laws

United States personnel shall respect the laws of Curaçao and shall abstain from any activity inconsistent with this Agreement.

Article IV

Security

The authorities of Curaçao and the United States Government shall consult and take such steps as may be necessary to ensure the security of United States personnel, Implementing Partners, and Facilities in Curaçao. The authorities of Curaçao retain overall responsibility for the physical security of the designated Facilities under this Agreement. The authorities of Curaçao and the United States shall exchange any information relevant for this purpose.

Article V

Costs

Costs that may be incurred in connection with or in the execution of this Agreement shall be addressed through separate obligating instruments. The United States expects to bear the costs incurred in connection with this Agreement subject to the terms and conditions agreed upon in such obligating instruments.

Article VI

Procurement

The United States Government intends to endeavor to use its best efforts, consistent with applicable laws, regulations, and the assistance objectives under this Agreement, to procure humanitarian assistance in Curaçao.

Article VII

Applicability FOL Agreement

Except as otherwise provided for in this Agreement, Articles VI, VII (paragraphs 1-3) VIII, XIII, XVII, XVIII, and XIX (paragraphs 1, 2, 4 and 5) of the Agreement of Cooperation between the Kingdom of the Netherlands and the Government of the United States of America Concerning Access to and Use of Facilities in the Netherlands Antilles and Aruba for Aerial Counter-Narcotics Activities, done at Oranjestad on 2 March 2000 ("FOL Agreement"), shall apply *mutatis mutandis* to United States personnel, Implementing Partners or the U.S. government, as the case may be. For purposes of this Agreement, Implementing Partners shall receive the same guarantees, protections, and assurances as Contractors receive under the FOL Agreement.

Article VIII

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 Parties, including, as necessary, through diplomatic channels.

Article IX

Territorial applicability

With regard to the Kingdom of the Netherlands, this Agreement shall apply to Curaçao.

Article X

Entry into force; duration

This Agreement shall enter into force on the date of the last signature by the Parties and shall remain in force for the duration of the activities under this Agreement, but in any case for no longer than a period of one year. The Agreement may be renewed by mutual written agreement of the Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

SIGNED in duplicate in the English language.

For the Kingdom of the Netherlands, in respect of Curaçao,

EUGENE RHUGGENAATH

Date: 15 March 2019

For the United States of America,

PETE HOEKSTRA

Date: 15 March 2019

D. PARLEMENT

Het 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 verdrag zijn ingevolge artikel X op 15 maart 2019 in werking getreden en blijven ingevolge hetzelfde artikel van kracht voor de duur van de activiteiten uit hoofde van dit verdrag, maar tot uiterlijk 15 maart 2020.

Wat betreft het Koninkrijk der Nederlanden, geldt het verdrag voor Curaçao.

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 Curaçao op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *vijftiende* maart 2019.

De Minister van Buitenlandse Zaken,

S.A. BLOK