

No. 23

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honor to acknowledge receipt of your Note of May 3, 2005, which reads as follows:

"The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States and has the honor to propose an agreement between the Kingdom of the Netherlands and the United States (hereinafter referred to as the "Parties") regarding the status of military and civilian personnel of the United States Armed Forces who will be present in the Netherlands Antilles and Aruba for military training and exercises on the following terms:

ARTICLE I *TEMPORARY STATIONING OF U.S. ARMED FORCES*

For the purpose of this Agreement, military and civilian personnel of the United States Armed Forces, their vessels and military equipment may be stationed temporarily in the Netherlands Antilles and Aruba.

ARTICLE II *USE OF FACILITIES*

Military and civilian personnel of the United States Armed Forces may use military facilities provided by the Flag Officer Royal Netherlands Forces in the Caribbean under conditions to be agreed upon between the Flag Officer Royal Netherlands Forces in the Caribbean and Commander US Southern Command.

ARTICLE III *APPLICABILITY OF NATO SOFA*

Except as otherwise provided for in this Agreement, Articles I through XIII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done at London on 19 June 1951 (hereafter, the NATO SOFA) shall apply *mutatis mutandis*.

ARTICLE IV *SETTLEMENT OF DISPUTES*

Any disputes or 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 V *TERRITORIAL APPLICABILITY*

With regard to the Kingdom of the Netherlands, this Agreement shall apply to its territory in the Netherlands Antilles and Aruba.

ARTICLE VI *INTERPRETATION*

For purposes of this Agreement, references and provisions in the NATO SOFA to the North Atlantic Treaty, the North Atlantic Council, the North Atlantic Treaty Organization and to Article XX therein shall be deemed inapplicable.

ARTICLE VII *DURATION*

This Agreement shall remain in force for the duration of the presence of the military and civilian personnel of the United States Armed Forces in the Netherlands Antilles and Aruba but for no longer than one year from the date this Agreement enters into force. Notwithstanding, the provisions of this Agreement regarding the adjudication and payment of claims shall remain in force for such time as is necessary to resolve any outstanding claims arising under this Agreement.

If the foregoing is acceptable to the Government of the United States, the Ministry of Foreign Affairs has the honor to propose that this Note and the Note in reply of the Embassy shall constitute an Agreement between the Kingdom of the Netherlands and the United States, which shall enter into force on the date of the Embassy's Note.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States the assurances of its highest consideration."

The Embassy has the further honor to inform the Ministry of Foreign Affairs of the Kingdom of the Netherlands that the proposal contained in the Ministry's Note is acceptable to the Government of the United States and to confirm that the Ministry's Note and this reply shall constitute and agreement between our governments, which shall enter into force on this date.

The Embassy of the United States avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurance of its highest consideration.

Embassy of the United States of America,
The Hague, May 3, 2005.





Treaties Division
DJZ/VE-442/05

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The Hague, 3 May 2005

