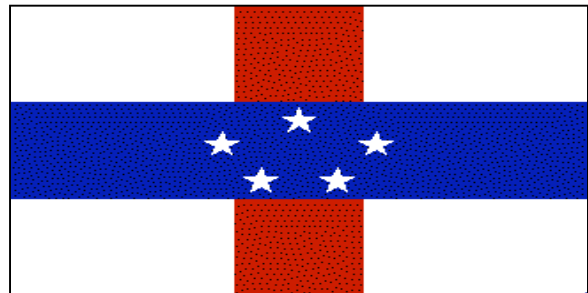


**AGREEMENT OF COOPERATION  
BETWEEN THE UNITED STATES AND  
THE KINGDOM OF THE NETHERLANDS  
CONCERNING ACCESS TO AND USE OF  
FACILITIES  
IN THE NETHERLANDS ANTILLES AND ARUBA  
FOR AERIAL COUNTER-NARCOTICS ACTIVITIES  
MARCH 2, 2000**



**AGREEMENT OF COOPERATION BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND  
THE KINGDOM OF THE NETHERLANDS  
CONCERNING ACCESS TO AND USE OF FACILITIES IN  
THE NETHERLANDS ANTILLES AND ARUBA  
FOR AERIAL COUNTER-NARCOTICS ACTIVITIES**

**Table of Articles**

Article I (Definitions)

Article II (Purposes of Agreement; Authorization)

Article III (Implementation Arrangements)

Article IV (Aircraft and Aircraft Overflight Clearance Procedures)

Article V (Respecting National Laws)

Article VI (Immunities of United States Personnel and Dependents)

Article VII (Entry, Exit, and Travel Documentation)

Article VIII (Importation, Exportation, Acquisition, and Use)

Article IX (Land Use, Easements, and Rights of Way)

Article X (Contractors)

Article XI (Construction)

Article XII (Utilities)

Article XIII (Administrative Facilitation)

Article XIV (Uniforms and Weapons)

Article XV (Security)

Article XVI (Landing and Port Fees and Pilotage)

Article XVII (Licenses and Vehicle Registration)

Article XVIII (Tax Exemptions)

Article XIX (Claims)

Article XX (Postal, Services, and Communications Facilities)

Article XXI (Facilitation of Aircraft Riders)

Article XXII (Implementation Facilitation and Amendment)

Article XXIII (Political Consultation)

Article XXIV (Resolution of Disagreements)

Article XXV (Territorial Applicability)

Article XXVI (Entry Into Force and Duration)

**AGREEMENT OF COOPERATION BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND  
THE KINGDOM OF THE NETHERLANDS  
CONCERNING ACCESS TO AND USE OF FACILITIES IN  
THE NETHERLANDS ANTILLES AND ARUBA  
FOR AERIAL COUNTER-NARCOTICS ACTIVITIES**

Having regard to the need for heightened international cooperation in the suppression of illegal narcotics activity called for in international legal and political instruments, such as the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the 1996 Barbados Plan of Action;

Noting the concrete bilateral steps which have already been taken to achieve their heightened intergovernmental cooperation in this area, in particular the Interim Agreement concluded on April 13, 1999, between the United States of America and the Kingdom of the Netherlands to facilitate access to and use of selected airfields in the Netherlands Antilles and Aruba by authorized United States armed forces and civilian personnel for counter-narcotics activities;

Desiring to build further upon the Interim Agreement by concluding a longer-term, more definitive Agreement and to set forth the terms and conditions for a more enduring United States partnership and cooperative presence in the Netherlands Antilles and Aruba for counter-narcotics activities;

Recognizing that, in support of this strategic partnership to advance international cooperation in the suppression of illegal narcotics activities, the United States of America and the Kingdom of the Netherlands continue to commit significant national resources, including specialized aircraft, armed forces, civilian personnel, and other material resources;

Bearing in mind the ongoing and concomitant financial benefits that accrue to the economies of the Netherlands Antilles and Aruba as a result of the activities of the United States of America in connection with this Agreement;

The Government of the United States of America and the Kingdom of the Netherlands (hereinafter the "Parties") hereby agree as follows:

## **Article I (Definitions)**

For purposes of this Agreement:

- (a) "Civilian personnel" shall refer to civilian employees of the United States Government who are present in the Netherlands Antilles or Aruba in connection with this Agreement.
- (b) "Military personnel" shall refer to members of the United States Armed Forces who are present in the Netherlands Antilles or Aruba in connection with this Agreement.
- (c) "United States personnel" shall refer to the military and civilian personnel of the United States Government who are present in the Netherlands Antilles or Aruba in connection with this Agreement.
- (d) "Dependents" shall refer to spouses, children and relatives forming part of the household of permanently assigned United States personnel.
- (e) "Contractors" shall refer to business entities and individuals that have entered into a contract with the United States Government in connection with this Agreement.
- (f) "Contractor employees" shall refer to individuals who are employed by any business entity or individual that has entered into a contract with the United States Government in connection with this Agreement, who are present in the Netherlands Antilles or Aruba in connection with this Agreement, and who have not been residents of the Netherlands Antilles or Aruba two years prior to being admitted to the aforementioned countries in connection with this Agreement.
- (g) "Specialized contractor employees" shall refer to contractor employees designated by the authorities of the United States Government as providing expertise required by the United States Government for operations and maintenance of aircraft, related mission support, and construction activities at the Facilities in connection with this Agreement.
- (h) "Aircraft riders" shall refer to representatives of the host nation or cooperating third states who are invited to participate in aerial sorties to facilitate the performance of counter-narcotics detection, monitoring, and interdiction missions in connection with this Agreement.
- (i) "Facilities" shall refer to those sites, installations, structures, and areas to which the, United States Government is authorized access and use, in connection with this Agreement.

## **Article II (Purposes of Agreement; Authorization)**

The Netherlands Antilles and Aruba agree to allow the United States Government access to and use of the Hato International Airport in the Netherlands Antilles and the Reina Beatrix International Airport in Aruba, as well as authorized ports and related facilities, solely in connection with aerial counter-narcotics detection and monitoring, and, as appropriate, interdiction missions in the neighboring region. The access and use authorized under this Agreement shall be limited to United States personnel, aircraft riders, contractors, and contractor employees as well as vessels and vehicles used for direct operational and logistic support, and unarmed aircraft, operated by or exclusively for the United States Government.

## **Article III (Implementation Arrangements)**

The parties shall enter into more detailed implementation arrangements as required to carry out the provisions of this Agreement. Counter-narcotics activities by United States personnel and aircraft shall be conducted pursuant to existing and further agreed implementation arrangements (*inter alia* command and control arrangements) between the appropriate authorities of the Parties.

## **Article IV (Aircraft and Aircraft Overflight Clearance Procedures)**

Aircraft operated in connection with this Agreement by or for the United States Government are authorized to overfly, land at, and depart from the Hato International Airport in the Netherlands Antilles and the Reina Beatrix International Airport in Aruba without diplomatic clearance. Such activities shall be in accordance with agreed aviation procedures.

## **Article V (Respecting National Laws)**

United States personnel and dependents shall respect the laws of the Kingdom of the Netherlands, the Netherlands Antilles and Aruba and shall abstain from any activity inconsistent with this Agreement. In this regard, United States personnel and dependents shall be briefed regarding applicable laws and customs with a view to ensure orderly conduct while in the Netherlands Antilles and Aruba.

## **Article VI (Immunities of United States Personnel and Dependents)**

1. The Kingdom of the Netherlands grants United States personnel and dependents immunity from its criminal, civil, and administrative jurisdiction. However, the Netherlands Antilles and Aruba retain civil and administrative jurisdiction over such personnel for acts performed outside the course of their duties, and over dependents.

2. United States personnel and depends who are entitled to immunity from the criminal jurisdiction of the Netherlands Antilles and Aruba and who are provisionally detained in the Netherlands Antilles or Aruba shall be promptly released and referred to the appropriate United States Government authorities for investigation and disposition.

3. The appropriate authorities of the United States Government shall give sympathetic consideration to a request for a waiver of immunity in cases that the authorities of the Kingdom of the Netherlands consider to be of particular importance.

#### **Article VII (Entry, Exit, and Travel Documentation)**

1. The authorities of the Netherlands Antilles and Aruba agree to allow United States personnel unimpeded entry into and exit from the Netherlands Antilles and Aruba with United States Government identification cards (military or civilian) and with collective movement or individual travel orders, unless they benefit from more favorable treatment under international law.

2. The authorities of the Netherlands Antilles and Aruba, respectively, agree to apply appropriate immigration procedures to facilitate the prompt entry, freedom of movement, and exit of United States personnel, dependents, contractor employees, and aircraft riders arriving in and departing from the Netherlands Antilles and Aruba in connection with this Agreement. Such personnel and aircraft riders shall be exempt from entry and exit fees or other departure taxes.

3. United States personnel and specialized contractor employees shall be exempt from requirements for working and residence permits for activities conducted in connection with this Agreement. Dependents of United States personnel shall be exempt from the requirement for residence permits.

4. United States Government authorities shall provide to the appropriate authorities of the Netherlands Antilles or Aruba, within routinely filed flight plans, the number of persons on board and information on hazardous cargo aboard aircraft operated by or exclusively for the United States Government in connection with this Agreement. United States Government authorities shall provide to appropriate authorities of the Netherlands Antilles or Aruba the passenger and cargo manifest upon arrival of aircraft operated by or exclusively for the United States Government.

#### **Article VIII (Importation, Exportation, Acquisition, and Use)**

1. The Netherlands Antilles and Aruba waive import and export fees, duties, taxes, and other charges otherwise leviable in the Netherlands Antilles or Aruba

on products, equipment, materials, supplies, and other property imported into the Netherlands Antilles or Aruba by the United States Government in connection with this Agreement. Products, equipment, materials, supplies, and other property imported into the Netherlands Antilles or Aruba by contractors for operations and maintenance of aircraft, related mission support, and construction activities at the Facilities in connection with this Agreement shall enjoy the same treatment. The Netherlands Antilles and Aruba also waive all sales, turnover, and any other post-import taxes on products, equipment, materials, supplies, and other property acquired in or used in these countries by the United States Government or by contractors for operations and maintenance of aircraft, related mission support, and construction activities at the Facilities in connection with this Agreement. Title to such property shall remain with the United States Government or its contractors as appropriate. Such property may be transported out of the Netherlands Antilles or Aruba at any time exempt from export fees, duties, taxes, and other charges. In case title to such property is transferred in the Netherlands Antilles or Aruba to persons or entities who are not entitled to exemptions, fees, duties, taxes and other charges shall be payable in accordance with local laws and regulations by the transferor.

2. Products, equipment, materials, supplies and other property imported into or exported out of the Netherlands Antilles or Aruba by the United States Government in connection with this Agreement, shall be exempt from inspection. The importation or exportation of such goods shall, however, be subject to customs declarations procedures as agreed to by the appropriate authorities.

3. Baggage, personal effects, products and other property for the personal use of United States personnel and dependents imported into, used in, or exported from the Netherlands Antilles or Aruba shall be exempt from import and export fees, duties, taxes, vehicle registration and licensing fees, and other charges otherwise leviable in the Netherlands Antilles or Aruba. Such personal property may be transferred to other United States personnel and dependents free from fees, duties, taxes, and other such charges. In case title to such property is transferred to the Netherlands Antilles or Aruba to persons or entities who are not entitled to exemptions, fees, duties, taxes and other charges shall be payable in accordance with local laws and regulations by the transferor.

4. Fees, duties, taxes, and other charges otherwise leviable in the Netherlands Antilles or Aruba on services acquired or used in the Netherlands Antilles or Aruba by the United States Government in connection with this Agreement are waived.

#### **Article IX (Land Use, Easements, and Rights of Way)**

The authorities of the Netherlands Antilles and Aruba shall, without cost to the United States Government, make available to the United States Government for

its use agreed facilities, land, easements, and rights of way necessary to support activities in connection with this Agreement, including agreed construction.

### **Article X (Contractors)**

In accordance with its laws and regulations, the United States Government may award contracts for the acquisition of articles or services, including construction, in the Netherlands Antilles or Aruba. The United States Government may award contracts to any source and may carry out construction works and other services with its own personnel. Contractors may employ United States nationals or nationals of other countries. In accordance with United States Government policy of full and open competition in the contract solicitation process, the United States Government will welcome offers from contractors resident in the Netherlands and Aruba.

### **Article XI (Construction)**

1. The authorities of the Netherlands Antilles and Aruba authorize the United States Government after prior consultation, and with due regard for existing and planned facility development and operations, to undertake new construction, or to improve, modify, remove, and repair existing structures and sites at the agreed facilities to meet requirements in connection with this Agreement.
2. Should local laws and regulations differ from United States Government standards, the Parties shall consult with a view to adopt a practical solution to the issue.
3. Upon termination of this Agreement, the United States Government shall not be obliged to remove any facilities, buildings, or improvements thereto which have been constructed with its own funds, unless such an obligation was stipulated by the Netherlands Antilles or Aruba at the time of construction. At the termination of use of facilities constructed, improved, modified, or repaired in connection with this Agreement, the United States Government shall, after due consultation between the Parties, transfer the use of such facilities to the Netherlands Antilles or Aruba, respectively.

### **Article XII: (Utilities)**

The United States Government and its contractors may use water, electricity, and other public utilities and services for construction, improvement, and use of the facilities provided for in this Agreement. Maximum prices for water, electricity and other utilities are laid down in laws and are not subject to taxation in the Netherlands Antilles or Aruba. The authorities of the Netherlands Antilles or Aruba shall assist the United States Government authorities, upon request, in securing the provision of water, electricity, and other public utilities and services.

### **Article XIII (Administrative Facilitation)**

The United States Government, United States personnel, and contractors, acting in connection with this Agreement, shall receive from the Netherlands Antilles and Aruba all necessary cooperation with regard to the prompt processing of all administrative procedures required by local laws and regulations.

### **Article XIV (Uniforms and Weapons)**

United States personnel are authorized to wear uniforms and carry weapons 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 and the broader airfield restricted area) and the weapons storage area for the security of the personnel, equipment, and facilities.

### **Article XV (Security)**

The authorities of the Netherlands Antilles or Aruba and the United States Government shall consult and take such steps as may be necessary to ensure the security of United States personnel, dependents, contractor employees, and property. The authorities of the Netherlands Antilles or Aruba retain overall responsibility for the physical security of the two designated airports under this Agreement and shall, by mutual agreement with authorities of the United States Government, designate specific facilities for which security, access, and use shall be shared, and those for which security, access, and use shall be the responsibility of the United States Government.

### **Article XVI (Landing and Port Fees and Pilotage)**

Aircraft, vessels, and vehicles operated in connection with this Agreement by the United States Government shall not be subjected to payment of landing, airside parking, port, navigation, or overflight charges; however, the United States Government shall pay reasonable charges for services requested and received. Aircraft, vessels, and vehicles used by contractors exclusively for the operations and maintenance of aircraft, related mission support, and construction activities at the Facilities in connection with this Agreement shall enjoy the same treatment.

### **Article XVII (Licenses and Vehicle Registration)**

1. The authorities of the Netherlands Antilles and Aruba accept in connection with this Agreement as valid, without a fee or test, drivers' licenses or permits for the operation of vehicles, issued by the appropriate United States authorities. Vehicles owned by the United States Government shall be exempt

from inspections, licensing, or registration by the authorities of the Netherlands Antilles or Aruba, but shall bear appropriate identification markings.

2. United States personnel and dependents shall obtain insurance coverage consistent with the laws of the Netherlands Antilles or Aruba for their privately owned vehicles.

3. Contractors shall obtain insurance coverage consistent with the laws of the Netherlands Antilles or Aruba for their vehicles.

4. The authorities of the Netherlands Antilles and Aruba recognize in connection with this Agreement as valid professional credentials and licenses issued by appropriate United States authorities.

### **Article XVIII (Tax Exemptions)**

1. Periods during which United States personnel and dependents are in the Netherlands Antilles or Aruba in connection with this Agreement shall for purposes of taxation not be considered periods of residence or domicile.

2. Income received by United States personnel as a result of service under this Agreement, or on income of such personnel and dependents derived from sources outside the Netherlands Antilles or Aruba shall not be subject to taxation by the Netherlands Antilles or Aruba.

3. In order to avoid double taxation, the activities performed in connection with this Agreement by contractors shall not constitute a permanent establishment in the Netherlands Antilles and Aruba, to the extent the contractors are subject to tax in their home country. Income derived by individual contractors from activities performed in connection with this Agreement shall not be subject to income tax in the Netherlands Antilles and Aruba provided the aforementioned contractors are subject to individual income tax in their home country.

4. The Netherlands Antilles and Aruba exempt United States personnel and dependents from taxation on the ownership, possession, use, transfer to other United States personnel and dependents, or transfer by death, of property which is present in the Netherlands Antilles or Aruba due solely to the presence of these persons in connection with this Agreement in the Netherlands Antilles or Aruba.

5. The provisions of paragraphs 1, 2, and 4 of this article shall also apply to specialized contractor employees.

## **Article XIX (Claims)**

1. The United States Government and the Kingdom of the Netherlands, the Netherlands Antilles, and Aruba waive any claims (other than contractual claims) against each other for damage, loss, or destruction of government property arising out of official activities, or for injury or death suffered by armed forces personnel and other government personnel while engaged in the performance of their duties.
2. The United States Government shall pay under applicable United States law compensation in settlement of claims by third parties. United States Government authorities shall process such claims promptly, in accordance with United States law.
3. The United States Government shall designate the Forward Operating Location (FOL) Managers in the Netherlands Antilles and Aruba to receive third party claims. FOL Managers shall ensure:
  - (a) the prompt processing of claims;
  - (b) the communication of findings to the claimants; and,
  - (c) the prompt response to all inquires by the claimants.
4. In cases where one of the Parties is of the opinion that a claim may be of unusual seriousness, the Parties shall consult.
5. Contractual claims shall be settled by the arrangements set forth in the respective contracts.

## **Article XX (Postal, Services, and Communications Facilities)**

1. The authorities of the Netherlands Antilles and Aruba permit the United States Government to establish, maintain, operate, and use military postal and other service facilities for the morale, welfare, and recreation of United States personnel, dependents, contractor employees, and aircraft riders. The respective authorities of the Netherlands Antilles and Aruba will not inspect official mail in United States Military postal channels. Any inspection of non-official mail in such channels which may be required by regulations of the Netherlands Antilles or Aruba will be conducted by these respective authorities in accordance with mutually determined procedures.
2. The United States Government may also establish a satellite receiving station for the reception of radio and television programs, and other telecommunications broadcasts. Such programs and broadcasts may be transmitted to its Facilities.

3. The authorities of the Netherlands Antilles and Aruba agree to permit the United States Government to use radio and telecommunications in the course and in support of its activities in connection with this Agreement. Such radio frequencies and telecommunications spectrum to be used shall be the subject of separate discussions and arrangements by the Parties.

4. The activities referred to in this article shall be exempt from licensing, duties, taxes, charges, and fees imposed in the Netherlands Antilles and Aruba. The activities referred to in paragraph 2 and paragraph 3 shall be exempt from inspections.

#### **Article XXI (Facilitation of Aircraft Riders)**

The FOL Managers shall facilitate the stay of aircraft rides in the Netherlands Antilles and Aruba and, *inter alia*, shall inform aircraft riders regarding local laws and customs with a view to ensure orderly conduct while in the Netherlands Antilles and Aruba.

#### **Article XXII (Implementation Facilitation and Amendment)**

1. Each Party after mutual consultation shall facilitate to the maximum extent possible the cooperative counter-narcotics activities envisioned by this Agreement, including cooperation with other nations in the region, and shall consult as appropriate about further measures that can be taken to enhance such cooperation.

2. In a spirit of close cooperation, the authorities of the Parties shall consult each other from time to time with a view to ensuring the implementation of, and satisfactory compliance with, the provisions of this Agreement.

3. When reviewing activities under this Agreement, the Parties shall evaluate such activities in terms of, *inter alia*, shared benefits and shared responsibilities.

4. Either Party may request consultations with a view to amend the present Agreement. Any amendment to the present Agreement agreed upon by the Parties, shall enter into force on the date on which the Parties have informed each other in writing of the completion of their respective constitutional requirements.

#### **Article XXIII (Political Consultation)**

The Parties shall consult as necessary at the political level or through appropriate designees with a view to discuss and consider activities under this Agreement and to assess the consequences at that specific moment in time and

possible side effects of this Agreement. On the basis of these consultations, all or part of the activities outlined in this Agreement may be reviewed at the request of either Party.

#### **Article XXIV (Resolution of Disagreements)**

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

#### **Article XXV (Territorial Applicability)**

With regard to the Kingdom of the Netherlands, this Agreement shall be applicable to the territories of the Netherlands Antilles and Aruba.

#### **Article XXVI (Entry into Force and Duration)**

1. This Agreement shall be provisionally applied by the Parties as from the thirtieth day after signature. This Agreement shall enter into force on the date that the Parties exchange diplomatic notes indicating that all necessary internal procedures for entry into force of the Agreement have been completed.
2. The Agreement shall remain in force for an initial period of ten years. Thereafter, it shall be renewable for additional periods of five years, unless terminated by either Party by giving twelve months' notice in writing to the other.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments have signed this Agreement in the English and Netherlands languages, both texts being equally authentic.

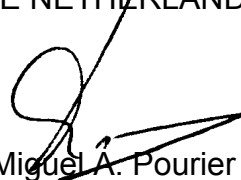
DONE at Oranjestad, Aruba, 2<sup>nd</sup> day of March 2000.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:



Richard C. Brown  
Special Negotiator  
Western Hemisphere Affairs

FOR THE KINGDOM OF  
THE NETHERLANDS:



Miguel A. Pourier  
Prime Minister of the  
Netherlands Antilles



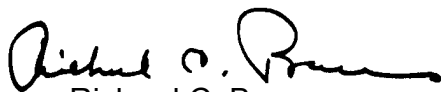
Jan H. Eman  
Prime Minister of  
Aruba

**IMPLEMENTATION ARRANGEMENT  
REGARDING ARTICLE IX OF THE  
AGREEMENT OF COOPERATION BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND  
THE KINGDOM OF THE NETHERLANDS  
CONCERNING ACCESS TO AND USE OF FACILITIES IN  
THE NETHERLANDS ANTILLES AND ARUBA  
FOR AERIAL COUNTER-NARCOTICS ACTIVITIES**

In accordance with Article IX of the Agreement of Cooperation, signed at Oranjestad, Aruba on March 2, 2000, the Government of the United States of America and the Government of the Netherlands Antilles agree that the land tracts delineated in the attached documents located at or adjacent to the Hato International Airport in the Netherlands Antilles shall be made available at no cost to the United States Government to support activities, including construction of agreed structures and infrastructure, in connection with and for the duration of the Agreement.

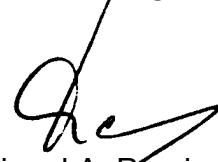
Done at Oranjestad, Aruba, 2nd day of March 2000.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:



Richard C. Brown  
Special Negotiator  
Western Hemisphere Affairs

FOR THE GOVERNMENT OF  
THE NETHERLANDS ANTILLES:



Miguel A. Pourier  
Prime Minister of the  
Netherlands Antilles