

No. 46324

**Netherlands
and
Somalia**

Exchange of letters constituting an agreement between the Kingdom of the Netherlands and the Republic of Somalia on the assistance from the Netherlands military forces against piracy of a ship flying the Somalian flag that lends humanitarian aid to Somalia. Nairobi, 29 April 2008 and 8 May 2008

Entry into force: *8 May 2008, in accordance with the provisions of the said letters*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Netherlands, 27 July 2009*

**Pays-Bas
et
Somalie**

Échange de lettres constituant un accord entre le Royaume des Pays-Bas et la République de Somalie relatif à l'assistance des forces militaires néerlandaises contre la piraterie des navires battant pavillon somalien et prêtant aide humanitaire à la Somalie. Nairobi, 29 avril 2008 et 8 mai 2008

Entrée en vigueur : *8 mai 2008, conformément aux dispositions desdites lettres*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Pays-Bas, 27 juillet 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

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 Netherlands 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*

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*