

ORGANIZATION OF AMERICAN STATES



INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

cicad

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MEMORANDUM OF UNDERSTANDING

between

**THE GENERAL SECRETARIAT OF
THE ORGANIZATION OF AMERICAN STATES (GS/OAS)
THROUGH THE INTER AMERICAN DRUG ABUSE CONTROL COMMISSION
(CICAD)**

and

THE KINGDOM OF THE NETHERLANDS

MEMORANDUM OF UNDERSTANDING

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THE ORGANIZATION OF AMERICAN STATES (GS/OAS)
THROUGH THE INTER AMERICAN DRUG ABUSE CONTROL COMMISSION
(CICAD)**

and

THE KINGDOM OF THE NETHERLANDS

regarding

**Increased Participation by the Netherlands Antilles in the Meetings and other Activities of
the Inter-American Drug Abuse Control Commission (CICAD)**

WHEREAS, Article 112(h) of the Charter of the Organization of American States, resolution AG/RES. 57 (I-0/71) of April 23, 1971, the General Assembly of the Organization, and Article 3 (h) of the General Standards to Govern the Operations of the General Secretariat of the Organization, define the Secretariat's authority to enter into suitable arrangements with other organizations and entities that pursue goals related to those of the Organization;

AND WHEREAS, by resolution AG/RES. 50 (I-0/71) of April 23 of 1971, the General Assembly of the Organization, established the status of Permanent Observers to the Organization of American States and authorized the Permanent Council to develop measures governing their participation in the Organization;

AND WHEREAS, through resolution CP/RES 52 (61/72) of January 19, 1972 of the Permanent Council of the Organization, as amended by CP/RES 407 (573/84 of June 27, 1984, operative paragraph 7 provided that the Permanent Observers shall be understood to be accredited to all the organs, agencies and entities of the Organization and that the latter may establish regulations to govern the presence and the manner of participation of the Permanent Observers in its affairs;

AND WHEREAS, the Kingdom of the Netherlands has been a Permanent Observer of the Organization since March 1972, and has been an active participant in the meetings and activities of CICAD since CICAD's establishment in 1986 by the General Assembly as an organ of the General Secretariat through resolution AG/RES.813 (XVI-0/86);

AND WHEREAS, at the 31st regular session of CICAD held in Washington D.C. between April 29 and May 2, 2002, the Commission approved a presentation by CICAD's Executive Secretariat on a plan of action for the participation of non-OAS territories in the Caribbean Basin in CICAD activities and establishment of closer working relations with the relevant institutions of those territories (CICAD/doc.1164/02), and directed that Memoranda of Understanding to this effect should be concluded between the Commission and the Permanent Observers to the Organization.

THEREFORE the following has been *agreed* between the *Kingdom of the Netherlands* and GS/OAS ("the Participants"):

Paragraph I Scope and Objectives

1. This Memorandum of Understanding (hereinafter “MOU”) sets forth the terms and procedures for promoting increased participation of the Netherlands Antilles as part of the Permanent Observer Mission of the Kingdom of the Netherlands in the meetings and activities of CICAD.
2. The Participants resolve to strengthen their cooperation with respect to their mutual interest in reducing drug trafficking and related activities under their respective mandates as well as to strengthen the capacity of the Netherlands Antilles to deal with these problems.
3. The objectives of fostering the increased participation are to contribute to the strengthening of the drug control and related programs, policies, practices and institutions situated in the Netherlands Antilles through increased contacts with other CICAD participants, whether OAS member countries, non-OAS member countries or non-OAS territories in the Caribbean Basin, through multilateral coordination and cooperation and thereby endeavoring to more completely blanket the Caribbean region against the effects of the drug problem in all its aspects.
4. A further dimension of these objectives is to invite the participation of representatives from the appropriate agencies and institutions of the Netherlands Antilles to participate in activities sponsored or coordinated by CICAD’s Executive Secretariat and through such increased contacts, to:
 - a. participate in an additional forum that contributes to strengthening the knowledge, ability and capacity of key personnel who work in areas related to the drug problem in the Netherlands Antilles, whether in government institutions, civil society or private sector organizations;
 - b. promote systems, processes and mechanisms that will allow the relevant government entities, civil society and private sector organizations of the Netherlands Antilles to gain installed capacity in aspects related to the drug problem and in the development of common approaches that address its treatment and resolution;
 - c. contribute to, promote and facilitate an on-going dialogue on subjects related to the drug problem in all its aspects within and between sectors that may currently have little or no dialogue with one another; and
 - d. share with other participants the experiences and lessons learned about the drug problem in the various territories and enhance perspectives for generating novel approaches and attitudes.

Paragraph II Representation - Communications - Cooperation

1. For purposes of this MOU the *Kingdom of the Netherlands on behalf of the* Government of the Netherlands Antilles will be represented by the Permanent Mission of the Netherlands to the OAS, situated in the Embassy of the Kingdom of the Netherlands in Washington D.C. The GS/OAS will be represented by the Executive Secretary of the Inter-American Drug Abuse Control Commission located in the headquarters of the Organization in Washington D.C.
2. Communications under this Memorandum of Understanding will, in the case of the *Kingdom of the Netherlands*, be directed to the head of the Permanent Mission, whereby immediately a copy will be *provided* to the Government of the Netherlands Antilles, or will be directed to such other institution or person in the Netherlands Antilles as the head of mission, after consultation with the Government of the Netherlands Antilles may direct. In the case of *the GS/OAS*, communications will be directed to the Executive Secretary *of CICAD* or to the responsible official identified by him.

3. The *Kingdom of the Netherlands through the* Government of the Netherlands Antilles and the GS/OAS through CICAD will cooperate fully to ensure that the objectives referred to in Paragraph I above are successfully pursued and achieved. To that effect, each Participant will furnish to the other Participant all such information, as may reasonably be useful pertaining to their cooperation.

Paragraph III

Activities to be carried out by the Government of the Netherlands Antilles

1. Identify to the Executive Secretariat of CICAD all relevant government agencies, civil society organizations and any private institutions in the Netherlands Antilles that perform services or carry out activities that are similar to or in harmony with the goals and objectives of CICAD and its member states.
2. Notify CICAD's *Executive* Secretariat of any material changes in these bodies.
3. Provide to the Executive Secretariat of CICAD the names, addresses, telephone numbers, facsimile numbers and email addresses of the persons in charge of or responsible for the entities referred to above.
4. Notify the Executive Secretariat of CICAD of any activities of these bodies in which it determines that CICAD might be interested.

Paragraph IV

Activities to be carried out by the Executive Secretariat of CICAD

1. Through the Permanent Mission of the Kingdom of the Netherlands to the OAS, identify to the relevant government agencies *of the Netherlands Antilles and any* civil society organizations and private institutions in the Netherlands Antilles that perform services or carry out activities that are similar to or in harmony with the goals and objectives of CICAD, of all CICAD sponsored events, activities and meetings.
2. Notify these bodies of any material changes in the composition or activities of CICAD.
3. Provide to the relevant government agencies *of the Netherlands Antilles and any* civil society organizations and private institutions in the Netherlands Antilles the names, addresses, telephone numbers, facsimile numbers and email addresses of the personnel of the Executive Secretariat of CICAD and upon request, of such other persons in the General Secretariat of the Organization in whom an interest is expressed.
4. Notify the relevant entities of the Netherlands Antilles of any events or activities of the Executive Secretariat of CICAD about which it considers that the entities might have an interest.
5. Make available to the relevant entities of the Netherlands Antilles all of CICAD's public reports.

Paragraph V

Participation

1. This MOU sets out a framework for cooperation between *the Participants* and does not obligate any funds. The Participants' representatives may hold preliminary discussions and exchange correspondence on initiating projects and any associated funding or costs in separate work plans, arrangements, specific cooperative agreements, and/or reimbursable agreements, or other agreements that do not create obligations under international law. Specific projects once identified will be subject to the approval of both the *Kingdom of the Netherlands on behalf of the* Government of the Netherlands Antilles and the GS/OAS in accordance with their respective rules and regulations.

2. Nothing in this MOU will obligate either of the Participants to expend appropriations or enter into any contract, arrangement, agreement that does not create an obligation under international law, or other obligation except as they may **mutually agree**.
3. This MOU in no way restricts either of the Participants from participating in similar arrangements or agreements that do not create obligations under international law, including the pursuit of project funding, with other public agencies, non-profit organizations or individuals.

Paragraph VI
Dispute resolution

The Participants will attempt to resolve amicably any disputes arising in relation to the interpretation and/or implementation of this MOU.

Paragraph VII
Coming into effect, amendments and duration

1. This MOU will come into effect upon signature and may be amended by mutual consent of the Participants expressed in writing.
2. Either Participant may suspend or terminate the present MOU by giving thirty days' written notice. The Participants will consult on the validity or duration of projects the implementation of which may be affected by the suspension or termination of this MOU.

Signed in duplicate at ... on ... in the English language.

For the
Kingdom of the Netherlands

For the
General Secretariat of the
Organization of American States

Boudewijn J. van Eenennaam
Ambassador
of the Permanent Observation Mission
of the Kingdom of The Netherlands

David R. Beall
Executive Secretary
Inter-American Drug Abuse Control
Commission (CICAD)