

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1974 Nr. 101

A. TITEL

*Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de Hoge Commissaris voor de Vluchtelingen inzake de bouw van een brug over de Nijl bij Juba (Soedan);
Genève, 6 maart/8 april 1974*

B. TEKST

Nr. I

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

Palais des Nations
CH-1211 Genève 10

6 March 1974

Sir,

With reference to previous consultations I have the honour to confirm that the Office of the United Nations High Commissioner for Refugees (hereinafter referred to as "UNHCR") is prepared to co-operate with the Government of the Kingdom of the Netherlands (hereinafter referred to as "the Netherlands Government") in the implementation of the building of a bridge across the Nile near Juba, Sudan, in accordance with the following arrangements:

1. UNHCR undertakes to contribute up to an amount of Netherlands guilders 2,450,000.—.
2. The Netherlands Government undertakes to contribute up to an amount of Netherlands guilders 3,050,000.—.
3. UNHCR and the Netherlands Government undertake to contribute to the implementation of the building of the bridge in a manner indicated in the attached project presentation.

4. The Netherlands Government shall facilitate inspection and audit of the project on behalf of the United Nations. If the United Nations Board of Auditors so wishes, it shall be entitled to carry out an audit of the project.
5. The Netherlands Government shall inform UNHCR periodically on the progress made on the execution of the project and shall upon completion of the project submit to UNHCR a final report together with a financial statement showing the use made of the contributions earmarked for the construction of the bridge.
6. UNHCR shall not be liable to indemnify any third party in respect of any claim, debt or demand arising out of the implementation of the project for the construction of the bridge at Juba, or which may be made against the Netherlands Government; and will not accept liability for compensation for the death, disability or other hazards which may be suffered by government officials or by employees of the firm executing the project as a result of their employment on work related to the project; unless such liability derives from wilful misconduct or from gross negligence on the part of UNHCR personnel.

If the foregoing is acceptable to the Government of the Kingdom of the Netherlands, I have the honour to propose that this letter and your affirmative reply shall constitute an agreement between the Office of the United Nations High Commissioner for Refugees and the Government of the Kingdom of the Netherlands which shall enter into force on the date of your reply and which shall remain in force for the duration of the Netherlands participation in the building of the bridge and for any additional period required for its winding-up, with a maximum of one year.

Accept, Sir, the assurances of my highest consideration.

(sd.) G. JAEGER
Gilbert Jaeger
Director of Assistance

*His Excellency
Mr. M. J. Rosenberg Polak,
Ambassador,
Permanent Representative of the Kingdom of the
Netherlands to the United Nations Office
at Geneva,
56 rue de Moillebeau,
1211 Geneva 29.*

Project presentation

Building of a bridge across the Nile near Juba, Sudan

I. Financing

UNHCR	: Dfl. 2.45 million
Netherlands	: Dfl. 3.05 million
Sudan	: Local expenses

II. Implementation

A. *Bridges Department of the Department of Public Works of the Netherlands Government*

1. Responsible for having the project implemented.
2. To design the bridge, including the preparation of working drawings.
3. To construct the earthworks for the roads leading to the bridge and the building site.
4. To supply all the necessary Bailey material and cofferdam material for constructing the abutments.
5. To make available the necessary equipment for assembling the Bailey bridge.
6. To supervise the building of the bridge.
7. To verify the payments demanded by the building contractor.

B. *De Groot, Building Contractor, Zwijndrecht*

1. To produce and deliver the steel structures and auxiliaries for the 5 river piles.
2. To pack and transport the necessary material and equipment (except that listed under C) from the Netherlands to Juba.
3. To assemble the Bailey bridge and install it ready for use, including piling and concreting the abutments and drilling 20 holes in the rocky bed of the river.
4. To return the drilling equipment to the Netherlands.
5. To sell the remaining equipment in Juba on completion of the bridge and/or return unsold equipment to the Netherlands.

C. *Sudanese Government*

1. To make available during the building period:
 - (a) 3 pontoons of approx. 6.5 x 24 m.;
 - (b) 2 landrovers to be provided by UNHCR;

- (c) local labour to work on the project;
 - (d) fuel for the equipment and landrovers up to a maximum of 400 lit. of diesel oil per day and 100 lit. of petrol per day;
 - (e) a tug-boat or one of the available pontoons plus crew;
 - (f) drinking water in sufficient quantity;
 - (g) the requisite amount of sand and additives for concreting work in the project.
- 2. To make available approx. 34 m³ of timber for cut-off walls for the piles.
 - 3. To take safety precautions and arrange for the protection of the building site.
 - 4. To bear the expenses attaching to the above.
 - 5. If necessary to exempt the goods to be imported from import duty.
 - 6. To conduct all their affairs concerning the implementation of the project through the representatives of the Bridges Department of Public Works of the Netherlands Government.

D. UNHCR

- 1. To lend assistance both in Juba and elsewhere in the implementation of the project.
- 2. To provide two second-hand landrovers to the Sudanese authorities on the understanding that the vehicles will be made available to the building contractor for the duration of the project.
- 3. To arrange for the radio station in Juba to be used free of charge for reporting by or on behalf of the building contractor and representative(s) of the Bridges Department of the Netherlands Government.
- 4. To lend assistance with, or accompany, transport through Kenya and Uganda, for instance by allowing road transport to be conducted under the UNHCR flag and if necessary to apply for exemption from import duty from the Sudanese authorities.

E. *The Netherlands Minister for Foreign Affairs/Netherlands Minister for Development Co-operation*

- 1. To lend assistance to the implementation of the project;

2. To arrange for payment to the building contractor, insofar as this is not covered under C, after approval by the Bridges Department of the Netherlands Government;
3. To bear the expenses attaching to A.3.

F. *UNHCR and the Netherlands Minister for Foreign Affairs/
Netherlands Minister for Development Co-operation*

To consult on the provision in good time of the requisite financial means.

Nr. II

Geneva, 8th April 1974

No. 1393

Sir,

I have the honour to acknowledge receipt of your letter of 6th March 1974, the contents of which read as follows:

(zoals in Nr. I)

I have the honour to confirm that your letter quoted above and my affirmative reply together with the attached annex will constitute an agreement between the Office of the United Nations High Commissioner for Refugees and the Government of the Kingdom of the Netherlands, which will enter into force on the 8th April 1974 and will remain in force for the duration of the Netherlands participation in the building of the bridge and for any additional period required for its winding-up, with a maximum of one year.

Please accept, Sir, the assurances of my highest consideration.

(sd.) M. J. ROSENBERG POLAK

M. J. Rosenberg Polak

Ambassador,

Permanent Representative

*To the United Nations
High Commissioner for Refugees
Palais des Nations
Geneva*

D. PARLEMENT

De in de brieven vervatte overeenkomst behoeft ingevolge artikel 62, eerste lid, letter c, van de Grondwet niet de goedkeuring der Staten-Generaal alvorens in werking te kunnen treden.

G. INWERKINGTREDING

Ingevolge het in de brieven terzake gestelde is de in de brieven vervatte overeenkomst op 8 april 1974 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, geldt de overeenkomst alleen voor Nederland.

J. GEGEVENS

Op 3 december 1949 is door de Algemene Vergadering van de Verenigde Naties resolutie 319 (IV) aanvaard, waarbij het Bureau van de Hoge Commissaris voor de Vluchtelingen werd ingesteld. De Engelse tekst van die resolutie is afgedrukt op blz. 175 e.v. van Uitgave nr. 22 van het Ministerie van Buitenlandse Zaken houdende het Verslag van de Vierde Algemene Vergadering van de Verenigde Naties.

Op 14 november 1973 en 26 februari 1974 werden te Khartoem nota's gewisseld tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Democratische Republiek Soedan inzake de bouw van een brug over de Nijl bij Juba (Soedan). De tekst van deze nota's is geplaatst in *Trb.* 1974, 102.

Uitgegeven de tiende juli 1974.

De Minister van Buitenlandse Zaken,
M. VAN DER STOEL.