

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1984 Nr. 21

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de Republiek
Kenya inzake technische samenwerking;
Nairobi, 29 april 1980*

B. TEKST

De tekst van de Overeenkomst is geplaatst in *Trb.* 1980, 109.

C. VERTALING

Zie *Trb.* 1980, 109.

D. PARLEMENT

Zie *Trb.* 1981, 120.

G. INWERKINGTREDING

Zie *Trb.* 1981, 120.

I. GEGEVENS

In overeenstemming met artikel 102 van het Handvest der Verenigde Naties is de onderhavige Overeenkomst op 30 januari 1982 geregistreerd bij het Secretariaat der Verenigde Naties onder nr. 20721.

Ter uitvoering van artikel I van de onderhavige Overeenkomst is op 18 november 1983 te Nairobi een administratief akkoord tot stand gebracht inzake een project voor brandhoutontwikkeling. De tekst van het administratief akkoord luidt als volgt:

Administrative Arrangement

The Netherlands Minister for Development Co-operation, being the competent Netherlands Authority for the purpose of this Administrative Arrangement, hereinafter referred to as "the Netherlands Party", represented in this matter by the Ambassador Extraordinary and Plenipotentiary of Her Majesty the Queen of the Netherlands at Kenya

and

the Government of the Republic of Kenya through the Ministry of Finance, hereinafter referred to as "the Kenyan Party",

Having regard to the provisions of Article I of the Agreement on Technical Co-operation between the Kingdom of the Netherlands and the Republic of Kenya, signed at Nairobi on 29th April 1980, hereinafter referred to as "the Agreement",

Having decided to co-operate in the field of rural energy for the development of Kenya,

Have agreed as follows:

Article I

The Project

1. The two Parties shall jointly carry out a project, to be known as "the Woodfuel Development Programme", hereinafter referred to as "the Project".
2. The purpose of the Project is to increase the woodfuel production in Kenya by improving the existing production practices used by means of agroforestry and reforestation and to reduce inefficient wood consumption by improving the energy efficiency of wood conversion.
3. This purpose shall be pursued by introducing an energy policy in Kenya, which will place due emphasis on energy and rural development especially the provision of woodfuel.
4. The aforesaid co-operation between the two Parties shall last for three years unless otherwise terminated in accordance with the provision of this Arrangement.

Article II

The Netherlands Contribution

1. As its contribution to the Project the Netherlands Party undertakes to:

(a) supply qualified advisers for an assignment in Kenya and to bear all expenses on account of the advisers and their families;

(b) provide a number of training programmes;

(c) provide equipment and supplies for the individual initiatives including all costs to be made in connection with overseas transport thereof to the most suitable port of arrival in Kenya;

(d) supply vehicles, needed for the execution of the Project and funds necessary for the operation and maintenance of these vehicles;

(e) such other costs as are reflected in the project budget (see annex¹).

2. The value of the Netherlands contribution shall not exceed 8,780,000 Dutch guilders.

Article III

The Kenyan Contribution

As its contribution to the Project the Kenyan Party undertakes to:

(a) assist the Project team in the acquisition of adequate facilities at the sites of the Project such as land, buildings and offices for the implementation of the Project;

(b) supply Kenyan counterparts to the Netherlands experts;

(c) assist in the clearing of the equipment and the vehicles sent by the Netherlands in connection with this Project in accordance with Article IX of this Arrangement;

(d) in general take all such measures as will facilitate co-operation between the Parties.

Article IV

The Implementing Authorities

1. The Netherlands Party shall appoint the Directorate General for International Co-operation of the Netherlands Ministry of Foreign Affairs as the Netherlands Implementing Authority in charge of the Project.

2. The Netherlands Implementing Authority shall be represented in Kenya as far as the daily operations under the Project are concerned by

¹) Niet afgedrukt.

the Team-leader, who is to be appointed from among the expatriate advisers.

3. The Kenyan Party shall appoint the Ministry of Energy or any other Ministry for the time being responsible for energy affairs as the Kenyan Implementing Authority in charge of the implementation of the Project.

4. The Implementing Authorities and the Team-leader shall form a steering committee which shall discuss all major issues pertaining to the project. It shall meet at least on a quarterly basis.

Article V

Delegation

Each of the Implementing Authorities, mentioned in Article IV, shall be entitled to delegate the duties in connection with the Project under its responsibility partly or entirely to other authorities or organisations. In doing so the Executive Authorities shall inform each other in writing of the nature and extent of such delegation.

Article VI

The Team-leader

The Team-leader shall be responsible to the Netherlands Implementing Authority for the implementation of the Netherlands contribution to the Project. The Team-leader shall act in close consultation with the Kenyan Implementing Authority and shall respect the operational instructions given by the said Authority to the Kenyan personnel. The Kenyan Implementing Authority shall provide the Team-leader with any information that may be considered necessary for the execution of the Project.

Article VII

The Schedule of Operations

1. The Implementing Authorities shall establish by mutual consent a Schedule of Operations stating in detail the contribution of either Party, the number and duties of the expatriate personnel, their job-descriptions, the durations of their stay in Kenya and a description of the equipment and materials to be made available. The Schedule of Operations shall include an itemized budget of the contribution of either Party, an Operations Priority Scheme, a timetable and lists of equipment and materials to be supplied by either Party.

2. The Schedule of Operations may be amended by mutual consent between the Implementing Authorities.

3. The Schedule of Operations shall form an integral part of this Administrative Arrangement.

Article VIII

Status of the Expatriate Personnel

The expatriate personnel in the Project shall enjoy the privileges and immunities described in Articles II and III of the Agreement.

Article IX

Status of the Netherlands Equipment and Materials

The provisions of Article VII of the Agreement are applicable to the importation and exportation of the Netherlands equipment and materials for the Project. Upon the completion of the Project the ownership of the equipment and materials of the Project shall be transferred to the Government of Kenya.

Article X

Reporting

The Team-leader shall submit to both Implementing Authorities half yearly reports in the English language on the progress made in the execution of the Project. On the termination of the Project the Team-leader shall submit to all parties involved a final report in writing in the English language on all the aspects of the work done in connection with the Project.

Article XI

Evaluation

After two years the Implementing Authorities shall undertake a joint evaluation of the activities under this Project.

Article XII

Settlement of Disputes

Any dispute concerning the interpretation or implementation of this Administrative Arrangement shall be settled by consultations between the two Parties.

Article XIII

Entry into Force and Duration

This Administrative Arrangement shall enter into force on the date of signature by both Parties and shall expire either at the end of the period stated in Article I, paragraph 4, of this Arrangement or on the date on which the Project has been completed in conformity with the provisions of this Arrangement and of the Schedule of Operation, whichever date is the later.

DONE at Nairobi on 18th November, 1983 in two originals in the English language.

For the Netherlands Minister
for Development Cooperation,

(sd.) E. TYDEMAN

By JAMES G. KARUG
Permanent Secretary
Ministry of Energy and
Regional Development
and countersigned

By H. MULE
Permanent Secretary/
Ministry of Finance
and Planning

Het administratief akkoord is ingevolge zijn artikel XII op 18 november 1983 in werking getreden.

Het administratief akkoord behoeft ingevolge additioneel artikel XXI, onderdeel b. van de Grondwet, juncto artikel 62, eerste lid, onderdeel b. van de Grondwet naar de tekst van 1972, niet de goedkeuring van de Staten-Generaal.

Uitgegeven de *achtste* februari 1984.

De Minister van Buitenlandse Zaken.

H. VAN DEN BROEK