

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1990 Nr. 137

A. TITEL

*Briefwisseling houdende een overeenkomst tussen de Regering van het Koninkrijk der Nederlanden voor Aruba en de Verenigde Naties inzake een bijeenkomst van de hoofden van nationale drugsbestrijdingsdiensten (HONLEA) op Aruba van 24 tot 28 september 1990;
Wenen, 16/19 juli 1990*

B. TEKST

Nr. I

UNITED NATIONS OFFICE AT VIENNA

DND/HONLAC '90

16 July 1990

Your Excellency,

I have the honour to refer to the letter from the Director General, United Nations Office at Vienna, dated 2 May 1990, concerning the forthcoming Meeting of Heads of National Drug Law Enforcement Agencies (HONLEA) for Latin America and the Caribbean that the United Nations is arranging and that is to be hosted by the Government of Aruba, at Oranjestad, Aruba, from 24 to 28 September 1990. The meeting shall be open to participation by the representatives and observers of States, specialized and related agencies of the United Nations, other intergovernmental organizations and any other persons invited by the United Nations.

By this letter (which, following discussions, has been amended, particularly in paragraph 2(i) and 3), I wish to obtain the acceptance of the Government of the Kingdom of the Netherlands to the following arrangements:

1. The United Nations shall, at its expense, provide or provide for:
 - (a) Documentation for the meeting in English, French and Spanish;
 - (b) Shipping of documents from Vienna to Aruba;
 - (c) Simultaneous interpretation of the proceedings of the meeting in English, French and Spanish;
 - (d) Editing and printing of the report of the meeting in English, French and Spanish;
 - (e) Medical insurance coverage of participants whose travel and subsistence allowance are paid for by the United Nations.
2. The Government of Aruba shall, at its own expense, provide or provide for:
 - (a) Working services and facilities necessary for the conduct of a large, multilingual conference (about 100 participants), including one large conference room to accommodate all participants, at least 3 smaller conference rooms each able to accommodate at least 20 participants, 3 adjacent offices, and the typing, reproduction and distribution of documentation related to the meeting;
 - (b) A list of reasonably priced and conveniently located hotels, indicating rates for single and double rooms, to be made available to the Division of Narcotic Drugs, before the meeting and as soon as possible; (N.B. to the extent possible, the participants are to be accommodated in one hotel in the vicinity of the meeting premises.)
 - (c) Local transportation between the meeting premises and hotel(s), if required;
 - (d) Meeting of participants upon arrival in Aruba and provision with transportation from the airport to their places of accommodation;
 - (e) Nomination of a contact person in Aruba to assist the Secretariat in the advance planning and conduct of the Conference;
 - (f) Sufficient administrative support personnel, fluent in English, including but not limited to two typists, two xerox operators, two registration officers, two conference room officers and two messengers;
 - (g) Office equipment and supplies, including two English-keyboard word processors, with printer, preferably Wang compatible, sufficient quantities of paper for the copiers, and ribbons for the printer and typewriters for the duration of the meeting, and a sufficient number of cassette recorders for recording the proceedings;
 - (h) Telex, telefax and telephone facilities for use of participants at their own expense;

(i) Facilities and equipment for in-service interpretation and translation in the working languages of the Conference English, French and Spanish in accordance with the United Nations practice. The interpreters and translators themselves will be provided and the cost borne by United Nations (see para 1(c) above).

3. No additional financial obligation, other than those items outlined in paragraphs 1 and 2(i) above, will be borne by the United Nations without prior notification by the host country and prior agreement by United Nations in writing: Without such written agreement any additional costs directly or indirectly arising from arrangements made by the Government of Aruba in the holding of the meeting in Aruba will be borne by the Government of Aruba.

4. The following terms shall apply to the Third Meeting of HONLEA:

(a) (i) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the meeting. The participants invited by the United Nations shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI of the Convention. Officials of the United Nations participating in or performing functions in connection with the meeting shall enjoy the privileges and immunities provided under Articles V and VII of the Convention. Officials of the specialized agencies, if any, participating in the meeting shall be accorded the privileges and immunities provided under Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies.

(ii) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons performing functions in connection with the meeting shall enjoy privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the meeting;

(iii) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the meeting;

(b) All participants and all persons performing functions in connection with the meeting shall have the right of unimpeded entry into and exit from Aruba. Visas and entry permits, where required, shall be granted free of charge. When applications are made four weeks before the opening of the meeting, visas shall be granted not later than two weeks before the opening of the meeting. If the application is made less than four weeks and no less than five days before the opening,

visas shall be granted as speedily as possible and not later than three days before the opening of the meeting. Arrangements shall also be made to ensure that visas for the duration of the meeting are delivered to participants who were unable to obtain them prior to their arrival.

(c) It is further understood that the Government of Aruba will be responsible for dealing with any action, claim or other demand against the United Nations arising out of:

(i) Injury or damage to persons or property in conference or office premises provided for the meeting;

(ii) The transportation provided by the Government;

(iii) The employment for the meeting of personnel provided or arranged by the Government;

and the Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand.

(d) Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations or of any other applicable agreement, shall, unless the parties otherwise agree, be submitted to a tribunal of three arbitrators, one of whom shall be appointed by the Secretary-General of the United Nations, one by the Government and the third, who shall be the Chairman, by the other two arbitrators. If either party does not appoint an arbitrator within three months of the other party having notified the name of its arbitrator or if the first two arbitrators do not within three months of the appointment or nomination of the second one of them appoint the chairman, then such arbitrator shall be appointed by the President of the International Court of Justice at the request of either party to the dispute. Except as otherwise agreed by the parties, the tribunal shall adopt its own rules of procedure, provide for the reimbursement of its members and the distribution of expenses between the parties, and take all decisions by a two-thirds majority. Its decisions on all questions of procedure and substance shall be final and, even if rendered in default of one of the parties, be binding on both of them.

5. I further propose that, upon receipt of your letter confirming the above, this exchange of letters shall constitute an Agreement, effective the date of your letter, between the United Nations and the Government of the Kingdom of the Netherlands regarding the provision of host facilities and services by the Government of Aruba for the Third Meeting of HONLEA, Latin America and Caribbean in Aruba on the dates indicated above.

Accept, Sir the assurances of my highest consideration.

(sd.) F. RAMOS-GALINO

F. Ramos-Galino
Director

Division of Narcotic Drugs

*H.E. Mr. L. H. J. B. van Gorkom
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of the Kingdom of the Netherlands
to the United Nations (Vienna)
Untere Donaustrasse 13-15/6
1020 Vienna*

Nr. II

PERMANENT MISSION OF THE KINGDOM OF THE
NETHERLANDS TO THE UNITED NATIONS (VIENNA)

Vienna, 19 July 1990
No. 1096

Sir,

I have the honour to acknowledge receipt of your letter of 16 July 1990, DND/HONLAC'90, which reads as follows:

(Zoals in Nr. I)

I have the honour to inform you that my Government is prepared to host the meeting in question.

My Government considers your letter and my reply as an agreement between the Kingdom of the Netherlands and the United Nations, which shall enter into force on the date of this reply and shall remain in force for the duration of the meeting and for such additional period as is necessary for its preparation and winding up, the total duration of this agreement however not to exceed one year.

Accept, Sir, the assurances of my highest consideration.

(sd.) L. H. J. B. VAN GORKOM

L. H. J. B. van Gorkom
Ambassador,

Permanent Representative

*Mr. F. Ramos Galino
Director
Division of Narcotic Drugs
United Nations Office at Vienna
Vienna*

D. PARLEMENT

De in de brieven vervatte overeenkomst behoeft ingevolge additio-
neel artikel XXI, eerste lid, onderdeel b, van de Grondwet, juncto
artikel 62, eerste lid, onderdeel c, van de Grondwet naar de tekst van
1972, niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van de in de brieven vervatte overeenkomst zijn op
19 juli 1990 in werking getreden.

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

J. GEGEVENS

Van het op 26 juni 1945 te San Francisco tot stand gekomen
Handvest van de Verenigde Naties zijn de Franse en de Engelse tekst,
zoals gewijzigd, geplaatst in *Trb.* 1979, 37 en de herziene vertaling in
het Nederlands in *Trb.* 1987, 113; zie ook *Trb.* 1990, 119.

Van het op 13 februari 1946 te Londen tot stand gekomen Verdrag

nopens de voorrechten en immuniteten van de Verenigde Naties, naar welk Verdrag wordt verwezen in artikel 4 van de onderhavige brieven, zijn tekst en vertaling geplaatst in *Stb.* I 224; zie ook, laatstelijk, *Trb.* 1979, 35.

Van het op 21 november 1947 te New York tot stand gekomen Verdrag nopens de voorrechten en immuniteten van de gespecialiseerde organisaties, naar welk Verdrag wordt verwezen in artikel 4 van de onderhavige brieven, is de tekst bekendgemaakt in *Stb.* J 67. Zie ook laatstelijk, *Trb.* 1987, 194.

Uitgegeven de *eenentwintigste september 1990.*

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK