

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1990 Nr. 14

A. TITEL

Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de Verenigde Naties houdende een overeenkomst inzake een interregionaal seminar van de Verenigde Naties over corruptie bij de overheid te 's-Gravenhage van 11 tot 15 december 1989, met Bijlagen; New York, 28 juli 1989/17 november 1989

B. TEKST

Nr. I

UNITED NATIONS – NATIONS UNIES

28 July 1989

Sir,

I have the honour to refer to the correspondence among the Netherlands Ministry of Justice, the United Nations Center for Social Development and Humanitarian Affairs (CSDHA) and the United Nations Department of Technical Co-operation for Development (UN/DTCD) for convening an Interregional Seminar on Corruption in Government to be held from 11–15 December 1989 at The Hague. With the present letter I wish to obtain your Government's formal acceptance of the following arrangements, for implementation of the planned Seminar as described in the attached project document.¹⁾

1. UN/DTCD and CSDHA will send to The Hague a staff mission for two days in September 1989 for a pre-Seminar planning meeting with the officials involved in the organization of the activity.

¹⁾ De tekst van het projectdocument is afgedrukt op blz. 5 van dit Tractatenblad.

2. The Seminar will take place from 11–15 December 1989. The participants would be expected to arrive on 10 December and leave on 16 December. The programme would include five days of technical sessions.

3. The United Nations will send to The Hague a group of 20 participants from developing countries for the Seminar. The attendance of all these participants will be financed through the United Nations Regular Programme of Technical Cooperation. Invitations will also be issued to selected developed countries, specialised agencies of the United Nations, regional institutions and non-governmental professional organizations. They will attend the Seminar at their own expense.

4. The United Nations will also send to The Hague to participate in the Seminar three consultants and two of its own staff. The cost of their participation will be met from the United Nations Regular Programme of Technical Cooperation.

5. The United Nations will reproduce before the Seminar technical papers which are to be distributed on arrival to the participants who are expected to attend the Seminar. The cost of copying and dispatching by air these documents from New York to The Hague will be covered by the United Nations.

6. The Netherlands Government will provide, as the host country, conference rooms, meeting facilities and office space as required, office supplies, stationery, reproduction equipment such as typewriters, xerox and duplicating machines, administrative support personnel including secretarial assistance, telephone and telex services, and necessary local transportation.

I wish to propose that the following terms shall apply to the Seminar:

- a) i) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Seminar. 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 Seminar shall enjoy the privileges and immunities provided under Articles V and VII of the Convention. Officials of the specialised agencies participating in the Seminar shall be accorded the privileges and immunities provided under Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialised 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 connec-

tion with the Seminar shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Seminar.

- 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 Seminar.

b) All participants and all persons performing functions in connection with the Seminar shall have the right of unimpeded entry into and exit from the Netherlands. Visas and entry permits, where required, shall be granted free of charge. When applications are made four weeks before the opening of the Seminar, visas shall be granted not later than two weeks before the opening of the Seminar. If the application is made less than four weeks before the opening, visas shall be granted as speedily as possible and not later than three days before the opening.

c) It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of i) injury or damage to person or property in conference or office premises provided for the Seminar; ii) the transportation provided by your Government; and iii) the employment for the Seminar of personnel provided or arranged by your Government; and your 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 nominated 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.

I further propose that receipt of your confirmation in writing of the above, and your signature and return of the attached project document shall constitute an Agreement between the United Nations and the Government of the Netherlands, regarding the provision of host facilities by your Government for the Seminar.

Accept, Sir, the assurances of my highest consideration.

(sd.) HAMDAN BENAÏSSA

Hamdan Benaïssa
Officer-in-Charge
Department of Technical Co-operation
for Development

*H.E. Mr. A. P. R. Jacobovits de Szeged
Permanent Representative of the Netherlands
to the United Nations
Permanent Mission of the Netherlands
to the United Nations
711 Third Avenue, 9th Floor
New York, NY 10017*

Nr. II

PERMANENT MISSION OF THE KINGDOM OF THE
NETHERLANDS TO THE UNITED NATIONS

No. 7100

New York, 17 November 1989

Sir,

I have the honour to acknowledge receipt of your letter dated 28 July 1989, the operative part of which reads as follows:

(Zoals in nr. I)

I have the honour furthermore to confirm that your letter and my reply shall constitute an agreement between the Government of 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.) R. VAN SCHAİK

Robert J. van Schaik
Ambassador,
Permanent Representative

Mr. Hamdan Benaissa
Officer-in-Charge
Department of Technical Co-operation
for Development
Room DCI-1422
1 United Nations Plaza
New York, NY 10017

PROJECT DOCUMENT

United Nations Department of Technical Co-operation for Development and the Centre for Social Development and Humanitarian Affairs

| | |
|-----------------------------------|---|
| Project Title: | Interregional Seminar on Corruption in Government |
| Project Number: | INT/89/R56 |
| Field of Activity: | Public Administration |
| Duration: | 11-15 December 1989 |
| Host Country: | The Netherlands |
| Cooperating Agency: | Ministry of Justice, The Hague |
| Executing Agency: | United Nations Department of Technical Cooperation for Development and the United Nations Centre for Social Development and Humanitarian Affairs. |
| Government inputs: | (in kind) |
| UN Regular Programme of Technical | |
| Cooperation inputs: | \$ 83,350 |
| Language: | English |

signed R. J. VAN SCHAİK
on behalf of the Government of
The Netherlands

21 November 1989

(sd.) HAMDAN BENAÏSSA
on behalf of the United Nations
Department of Technical Cooperation
for Development

21 November 1989

on behalf of the United Nations Centre
for Social Development and
Humanitarian Affairs

D. PARLEMENT

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

G. INWERKINGTREDING

De bepalingen van de in de brieven vervatte overeenkomst zijn, ingevolge het gestelde in de voorlaatste alinea van de tweede brief, op 17 november 1989 in werking getreden.

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

J. GEGEVENS

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

Voor het op 13 februari 1946 te Londen tot stand gekomen Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties, naar welk Verdrag wordt verwezen in artikel 2 van de onderhavige brieven, zijn tekst en vertaling geplaatst in *Stb.* I 224; zie ook, laatstelijk, *Trb.* 1979, 35.

Uitgegeven de vijftiengste januari 1990.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK