

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1990 Nr. 169

A. TITEL

Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de Universiteit van de Verenigde Naties houdende een overeenkomst inzake de vijfendertigste zitting van de Raad van de Universiteit van de Verenigde Naties van 25 tot en met 29 juni 1990 te Maastricht; Tokio, 23 april/2 mei 1990

B. TEKST

Nr. I

THE UNITED NATIONS UNIVERSITY

Toho Seimei Building
15-1, Shibuya 2-chome, Shibuya-ku,
Tokyo 150, Japan

Reference:

23 April 1990

Excellency,

I have the honour to refer to the invitation extended by the Government of the Netherlands to the United Nations University to host the thirty-fifth session of the University Council at Maastricht, the Netherlands, from 25 to 29 June 1990. The United Nations University accepts with gratitude the generous invitation of the Netherlands.

The Council of the United Nations University meets normally twice a year. It has twenty-four members who are appointed, in their individual capacity, jointly by the Secretary-General of the United Nations and the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Rector of the University is a member of the Council as provided in the Charter of the

University. Also in accordance with the Charter, the Secretary-General of the United Nations, the Director-General of UNESCO and the Executive Director of the United Nations Institute for Training and Research (UNITAR) are ex-officio members of the Council.

With this letter I wish to obtain your Government's acceptance of the following arrangements:

1. *Participation in the Session*

- a) The following will be the participants in the Council session:
 - (i) Members of the Council, including the Rector of the University and ex-officio members (the Secretary-General of the United Nations, the Director-General of UNESCO and the Executive Director of UNITAR or their representatives);
 - (ii) Representatives of other United Nations organs and agencies, and representatives of concerned non-governmental organizations, academic bodies and other institutions invited by the University to attend as observers;
 - (iii) Officials and experts on mission of the United Nations and UNESCO associated with the Council session;
 - (iv) Other persons invited by the University to attend the Council session;
 - (v) United Nations University personnel.

b) The Government will be provided with a provisional list of participants in due time before the Council session.

2. *Premises, Equipment, Utilities and Supplies*

a) The Government shall provide for the duration of the Council session the necessary premises, including conference rooms, office space, working areas and other related facilities as outlined below. The Government will, at its expense, also furnish, equip and maintain in good repair all the required premises and facilities in a manner adequate for the effective conduct of the session.

b) The main conference room shall have the capacity to accommodate plenary meetings of the Council and the necessary supporting staff (about 60 persons). It shall be equipped with facilities for simultaneous interpretation in two languages, as well as with facilities for recording. Two smaller conference rooms shall have the capacity to accommodate meetings of the committees of the Council (20-25 persons) which take place before the session. A lounge will be provided for the participants and arrangements will be made for in-session breaks for refreshments. Furnished and equipped offices will be provided for the Chairman of the Council, the Rector of the University and the Council Secretariat (4-5 rooms).

c) The foregoing premises shall remain at the disposition of the University 24 hours a day from four days prior to the session until two days after its close.

d) The Government shall provide equipment and supplies such as

personal computers, typewriters, telephone installations, dictaphones and photocopying machines, and stationery items, as required. The exact requirements in this respect will be established by the University in consultation with the Government.

e) Arrangements will be made by the Government, if possible within or near the conference area, for bank, post office, telephone and cable facilities, as well as a travel agency. With regard to international telephone calls, the participants will be requested to make such calls from the hotel.

f) The Government shall bear the cost of all necessary utility services for the effective functioning of the session of the Council.

3. Assistance to Participants in the Session and Local Transportation

a) The Government shall arrange for appropriate assistance to participants in the Council session on their arrival at the airport and also in connection with their departure, as well as transport between the airport and the hotel.

b) The Government shall provide transport between the hotel and the conference area, if needed, for all participants and those attending the Council session.

c) The Government shall provide local transportation for use by the Chairman of the Council, Rector of the University and the Council Secretariat.

4. Local Personnel

a) The Government shall appoint a liaison officer who shall be responsible, in consultation with the University staff, for making and carrying out the administrative and personnel arrangements for the Council session as required.

b) The Government shall make arrangements for simultaneous interpretation in English and French including the provision of interpreters for the normal working sessions, for the official opening ceremony as well as for the symposium. The Government shall also provide an adequate number of English-speaking secretaries and typists, personnel for the reproduction and distribution of documents, conference room clerks, operator/technician for the interpretation equipment, messengers, bilingual receptionist/telephone operator, and other staff required for the proper functioning of the Council session. The exact requirements in this respect will be established by the University in consultation with the Government. Some of the staff will be required one week before the opening of the Council session and until three days after its close.

5. Financial Arrangements

The Government, in addition to the financial obligations provided for elsewhere in this letter, shall bear the additional cost of travel and per diem of 12 United Nations University personnel (as mentioned in 1.a (v) of this letter) assigned to plan for or attend the Council session

and the cost of shipping (not exceeding the amount of US \$4,000) to and from Tokyo the necessary reference materials pertaining to the Council session. The actual arrangements in this regard will be determined by mutual consultation and agreement between the University and the Government. By so doing, the Government shall be deemed to have met its obligations for the additional costs directly or indirectly involved in holding the Council session in Maastricht rather than in Tokyo.

6. Privileges and Immunities

- a) (i) The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the Council session. Officials of the University and officials of the United Nations participating in or performing functions in connection with the Council session shall enjoy the privileges and immunities provided under Articles V and VII of the Convention. Officials of the Specialized Agencies participating in the Council session shall enjoy the privileges and immunities provided under Article VI of the Convention on the Privileges and Immunities of the Specialized Agencies. All other participants designated by the university as experts on mission shall enjoy the privileges and immunities provided under Article VI of the Convention on the Privileges and Immunities of the United Nations.
(ii) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all persons performing functions in connection with the Council session shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Council session.
- b) All participants and all persons performing functions in connection with the Council session shall have the right to unimpeded entry into and exit from the Netherlands. Visas and entry permits where required, shall be granted free of charge with the utmost speed.
- c) It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the University arising out of (i) injury or damage to person or property in conference or office premises provided for the Council session; (ii) injury or damage to person or property in transportation provided by your Government; and (iii) the employment for the Council session of personnel provided or arranged by your Government; and your Government shall hold the University and its personnel harmless in respect of any such action, claim or other demand unless both parties agree that those damages were caused by gross negligence or intentionally by the personnel of the University.

7. Settlement of Disputes

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 Rector of the University, 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 upon receipt of your confirmation in writing of the above, this exchange of letters shall constitute an agreement between the United Nations University and the Government of the Netherlands which shall enter into force on the date of your reply and shall remain in force for the duration of the Council session and for such a period thereafter as is necessary for all matters relating to any of its provisions to be settled.

Accept, Excellency, the assurances of my highest consideration.

(sd.) MOMOYA ISE

for Heitor Gurgulino de Souza
Rector

*H.E. Mr. Herman Ch.
Posthumus Meyjes
Ambassador
Royal Netherlands Embassy
3-6-3 Shibakoen
Minato-ku, Tokyo 105*

Nr. II

ROYAL NETHERLANDS EMBASSY

Nr. 3563

Tokyo, 2 May 1990

I have the honour to acknowledge the receipt of your letter of 23 April 1990 concerning the invitation of the Government of the Kingdom of the Netherlands to the United Nations University to host the thirty-fifth session of the University Council at Maastricht, the Netherlands, from 25 to 29 June 1990. I have taken note with pleasure of the fact that the United Nations University accepts with gratitude the generous invitation of the Netherlands.

You have asked in your letter my Government's acceptance for the arrangements as outlined in your above mentioned letter, points 1 to 7.

On behalf of the Government of the Kingdom of the Netherlands I confirm that the above is acceptable and that this exchange of letters shall constitute an agreement between the Government of the Kingdom of the Netherlands and the United Nations University which shall enter into force on today's day and which shall remain in force for the duration of the Council session and for such an additional period as is necessary for its winding up.

Your sincerely,

(sd.) H. C. POSTHUMUS MEYJES

H. C. Posthumus Meyjes
Ambassador

*The United Nations University
Attn. Mr. H.G. de Souza
Rector
Toho Seimei Building
15-1, Shibuya 2-chome
Shibuya-ku, Tokyo 150*

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
2 mei 1990 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 herziene vertaling in
het Nederlands in *Trb.* 1987, 113. Zie ook *Trb.* 1990, 119.

Van het op 16 november 1945 te Londen tot stand gekomen Statuut
van de Organisatie van de Verenigde Naties voor Onderwijs, Weten-
schap en Cultuur, naar welke Organisatie in brief I van de onderhavige
briefwisseling wordt verwezen, zijn tekst en vertaling, zoals gewij-
zigd, geplaatst in *Trb.* 1960, 131; zie ook, laatstelijk, *Trb.* 1988, 105.

Het Instituut voor Opleiding en Onderzoek van de Verenigde
Natie, naar welk instituut in brief I van de onderhavige briefwisseling
wordt verwezen, is opgericht door de Algemene Vergadering van de
Verenigde Naties op 11 december 1963 (resolutie 1934 (XVIII)).

Van het op 26 juni 1945 te San Francisco tot stand gekomen Statuut
van het Internationale Gerechtshof, naar welk Gerechtshof in punt 7
van brief I van de onderhavige briefwisseling wordt verwezen, is de
tekst geplaatst in *Trb.* 1971, 55 en de herziene vertaling in het
Nederlands in *Trb.* 1989, 114.

Van het op 13 februari 1946 te Londen tot stand gekomen Verdrag
nopens de voorrechten en immuniteiten van de Verenigde Naties,
naar welk Verdrag in punt 6 van brief I van de onderhavige briefwisse-
ling wordt verwezen, 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
Verdragnopens de voorrechten en immuniteiten van de gespeciali-
seerde organisaties, naar welk Verdrag in punt 6 van brief I van de

onderhavige briefwisseling wordt verwezen, is de tekst bekendgemaakt in *Stb.* J 67. Zie ook, laatstelijk, *Trb.* 1987, 194.

Uitgegeven de *dertigste* november 1990.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK