

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1990 Nr. 80

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de
Internationale Organisatie voor Migratie inzake de uitvoerende
activiteiten van de Organisatie in Nederland;
's-Gravenhage, 1 mei 1990*

B. TEKST

**Agreement between the Kingdom of the Netherlands and the
International Organization for Migration on the Organization's
Operational Activities in the Netherlands**

The Government of the Kingdom of the Netherlands, hereinafter referred to as the Government, and the International Organization for Migration, hereinafter referred to as IOM,

Whereas the Government has requested IOM to open a Mission in the Netherlands for the purpose of carrying out migration programmes on behalf of the Government,

Whereas IOM has responded favourably to this request,

Whereas the Government and IOM deem it desirable to define the main conditions and modalities of their co-operation,

Hereby agree as follows:

Article I

1. IOM shall carry out intermediary services in the field of emigration, such as: reception of emigrants' applications, including those for

subsidies; registration; selection; technical briefing; processing; and transportation.

2. IOM shall carry out similar services in the field of return migration.

3. IOM shall implement various youth exchange programmes, such as the Working Holiday Scheme and the Young Farmers' Programme.

4. IOM shall provide the information, publicity, documentation and library services related to the tasks enumerated under sections 1 to 3 above.

5. All these and future activities shall be carried out at the request of or with the agreement of the Government and subject to the availability of funds.

Article II

1. For the purpose of carrying out the tasks listed in Article I, IOM shall open a Mission in the Netherlands, on or about the first of October 1990.

2. The Government will assist IOM in finding appropriate accommodation for its Mission.

Article III

1. The initial staff structure of the IOM Mission shall consist of 30 full-time positions, including that of the Chief of Mission.

2. The initial staff of the IOM Mission shall be selected, as a rule, from the actual staff of the Directorate for Migration and the Office of the Emigration Board.

3. Based on the aforementioned selection the Government shall make a recommendation which IOM will favourably consider, unless in individual cases it has serious objections.

4. For a period of 5 years, as from the day of their appointment, the right of the initial staff to continued employment shall be guaranteed by IOM, except in the cases contemplated in the Staff Regulations and Rules for the IOM Mission in the Netherlands.

5. Selection of future staff shall be the exclusive competence of IOM.

6. Staff Rules for Employees shall be based on laws and customs applicable in the Netherlands. The conditions of service, including pensions, remuneration and fringe benefits, of the initial and future

employees shall not be less favourable than those of the Netherlands civil service and shall be laid down in a separate document.

7. Staff members of the IOM Mission in the Netherlands shall work under the supervision of IOM Headquarters and shall be subject exclusively to the IOM Constitution, to IOM Staff Regulations for Officials or Employees as the case may be, and to any relevant rules that may be issued by IOM.

Article IV

1. The Government will contribute towards to financing of the costs of the IOM Mission in the Netherlands in the following manner:

a. the contribution will be equal to the costs effectively incurred by IOM in the fulfilment of its obligations, as stated in Articles I, II and III on the understanding that the contribution will not exceed the amount mentioned under (b) of this paragraph;

b. the maximum-contribution of the Government for the year 1990 is 2.500.000 guilders; the maximum will, for the years after 1990, be proportionally adjusted to the general price and wage fluctuations in the Netherlands with respect to the year 1990;

c. if at the request or with the agreement of the Government, additional activities are undertaken by IOM in the Netherlands or the staff of the IOM Mission is expanded, the Government will contribute to the financing of the costs thereof, according to modalities to be mutually agreed upon, in addition to the contribution mentioned under (a) and (b) of this section.

2. As early as possible in each budgetary year, the Government shall transfer to IOM the estimated contribution for that year, in one payment or two instalments.

3. IOM shall deliver to the Government each year, prior to 1 May, an annual report regarding the activities of the previous year.

Article V

Representatives of the Government and of IOM shall meet periodically to ensure the proper implementation of this Agreement and to consider any modification or addition to it which they may deem necessary to further the objectives of their co-operation.

Article VI

1. This Agreement shall come into force on the date on which the Government notifies IOM in writing that its constitutional procedures have been completed.

2. It shall cease to be in force twelve months after either of the

Parties shall have given notice in writing to the other of its decision to terminate the Agreement. The right to give notice shall not be exercised during the first four years after the coming into force of this Agreement.

Article VII

With respect to the Kingdom of the Netherlands, this Agreement shall apply solely to the part of the Kingdom in Europe.

IN FAITH WHEREOF, the undersigned representatives, duly authorized for that purpose, have signed this Agreement.

DONE in two copies in The Hague, the 1 May, 1990.

For the Government of the Kingdom of the Netherlands

(sd.) B. DE VRIES

For the International Organization for Migration

(sd.) JAMES N. PURCELL, Jr.

D. PARLEMENT

De Overeenkomst behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan de Overeenkomst kan worden gebonden.

G. INWERKINGTREDING

De Overeenkomst zal ingevolge artikel VI, eerste lid, in werking treden op de datum waarop de Regering de Organisatie schriftelijk ervan in kennis heeft gesteld dat de constitutionele procedures zijn vervuld.

Wat het Koninkrijk der Nederlanden betreft, zal de Overeenkomst ingevolge artikel VII alleen voor Nederland gelden.

J. GEGEVENS

De Internationale Organisatie voor Migratie is voortgekomen uit de Intergouvernementele Commissie voor Europese Migratie.

Van het op 19 oktober 1953 te Venetië tot stand gekomen en op 20 mei 1987 gewijzigde Statuut van de Organisatie zijn tekst en vertaling geplaatst in *Trb.* 1988, 21; zie ook *Trb.* 1990, 1.

Uitgegeven de *achtste* juni 1990.

De Minister van Buitenlandse Zaken a.i.,

R. F. M. LUBBERS