

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1991 Nr. 23

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de
Volksrepubliek Bangladesh inzake technische samenwerking;
Dacca, 19 mei 1977*

B. TEKST

De tekst van de Overeenkomst is geplaatst in *Trb.* 1977, 113.

C. VERTALING

Zie *Trb.* 1977, 113.

D. PARLEMENT

Zie *Trb.* 1978, 35 en, laatstelijk *Trb.* 1989, 148.

Het in rubriek J van *Trb.* 1989, 148 afgedrukte administratief akkoord is bij brieven van 24 november 1989 medegegeeld aan de Eerste en Tweede Kamer van de Staten-Generaal.

Het in rubriek J hieronder afgedrukte administratief akkoord behoeft ingevolge additioneel artikel XXI, eerste lid, 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.

G. INWERKINGTREDING

Zie *Trb.* 1978, 35.

J. GEGEVENS

Zie *Trb.* 1980, 77, *Trb.* 1981, 228, *Trb.* 1987, 195, *Trb.* 1988, 163 en *Trb.* 1989, 148.

Ter uitvoering van artikel I van de onderhavige Overeenkomst is te Dhaka op 21 juni 1990 tussen de bevoegde Nederlandse en Bengalese autoriteiten een administratief akkoord tot stand gekomen inzake het Project van de „Bangladesh Water Development Board” tot herstel van een 60-tal polders. De tekst van het administratief akkoord luidt als volgt:

Administrative Arrangement

The Netherlands Ministry for Development Cooperation, 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 Dhaka, Drs. J. H. J. Jeurissen,

and

the Government of the People’s Republic of Bangladesh, represented by ERD being the competent Bangladesh Authority for the purpose of this Administrative Arrangement, hereinafter referred to as “the Bangladesh Party”

Having regard to the provision of Article I of the Agreement on technical cooperation between the Kingdom of the Netherlands and the People’s Republic of Bangladesh signed at Dhaka on 19 May, 1977 hereinafter referred to as “the Agreement”,

Have entered into the following Administrative Arrangement:

Article I

The Project

1. The Project, which forms part of a larger project-activity to be known as “Bangladesh Water Development Board (BWDB) Systems Rehabilitation”, will be jointly carried out by the two Parties. This part of the project-activity concerning the cooperation between the two Parties will be referred to hereinafter as “the Project”.

2. The general aims of the BWDB Systems Rehabilitation project-activity are to rehabilitate and improve the operation and maintenance (O&M) of 80 schemes (covering about 600,000 ha) operated by

the BWDB with a view to protecting and increasing agricultural production and income generated with these schemes. BWDB's organization will be strengthened and the capabilities and motivation of its staff improved, particularly for O&M.

The objectives of this Project are:

1. to monitor and inspect the quality of the rehabilitation and improvement of about eighty sub-projects;
 2. to strengthen the O&M Directorate at the BWDB Headquarters;
 3. to improve the O&M programme;
 4. to develop an on-farm development programme;
 5. to carry out benchmark and evaluation studies.
3. The aforesaid cooperation between the two Parties is planned to last seven years.

Article II

The Contribution by the Netherlands Party

1. The Netherlands Party's contribution to the Project is the provision of the following expertise;
 - monitoring and quality control of the rehabilitation and improvement of about 80 sub-projects;
 - strengthening of the O&M Directorate at the BWDB's Headquarters;
 - improvement of the O&M programme;
 - development of on-farm development programme;
 - benchmark and evaluation studies.
2. The value of the Netherlands technical assistance contribution is estimated at Dfl. 22,047,000.-, not included a financial grant of Dfl. 3,183,000.-, which is intended for financial assistance towards operation and maintenance.

Article III

The Contribution by the Bangladesh Party

1. The Bangladesh Party shall contribute to the Project by making funds available for:
 - the rehabilitation and improvement works;
 - the improvement of O&M;
 - on-farm development;
 - procurement of equipment and vehicles;
 - taxes and import duties.

2. The value of the Bangladesh contribution to the Project as a whole is estimated at US\$ 29,600,000.--, included the contribution of WFP of US\$ 20,600,000.--.

Article IV

The Executive Authorities

1. The Netherlands Party shall appoint the Directorate General for International Cooperation of the Netherlands Ministry of Foreign Affairs (DGIS) as the Netherlands Executive Authority in charge of the Project.

The Netherlands Executive Authority shall be represented in Bangladesh as far as the daily operations of the Project are concerned by the Team-leader appointed by the Netherlands Party.

2. The Bangladesh Party shall appoint the Ministry of Irrigation, Water Development and Flood Control as the Bangladesh Executive Authority in charge of the Project.

The Bangladesh Executive Authority shall as far as the daily operations of the Project are concerned be represented by the BWDB.

3. The Project forms part of a larger project-activity, in which the International Development Association (IDA) and the European Economic Community (EEC) are the other partners.

Article V

Delegation

Each of the Executive Authorities shall be entitled to delegate under its own responsibility, partly or entirely its duties in connection with the Project to other authorities or organizations.

In doing so, the Executive Authorities shall inform each other in writing of any such delegation and of the extent of the delegation.

Article VI

The Team-leader

1. The Netherlands Team-leader shall be responsible to the Netherlands Executive Authority for the correct implementation of the Netherlands contribution.

2. The Team-leader shall act in close consultation with the Bangladesh Executive Authority and respect the operational instructions given by the said Authority to the Bangladesh personnel.

3. The Bangladesh Executive Authority shall provide the Team-leader with any information that may be considered necessary for the execution of the Project.

Article VII

The Project Document

1. The Executive Authorities shall establish by common consent a Project Document indicating in detail:

- the contribution of either Party;
- the number and duties of the staff appointed by each Party;
- their job-descriptions;
- the duration of their assignment;
- a time-table;
- a specified budget;
- a description of the equipment and materials to be made available.

2. The Project Document shall form an integral part of this Administrative Arrangement.

3. The Project Document may be amended in common agreement by the Executive Authorities.

Article VIII

Status of the Netherlands Staff

The personnel supplied by the Netherlands Party shall enjoy the privileges and immunities mentioned in the Articles II and III of the Agreement.

Article IX

Equipment and Materials

1. The provisions of Article IV and V of the Agreement shall be applicable to the importation and exportation of the equipment and materials provided by the Netherlands Party as well as to the status of the said equipment and materials.

2. Without prejudice to the payment by the Bangladesh Party or the Bangladesh recipient agency of the customs-duties and taxes on the equipment and materials supplied by the Netherlands Party, those customs-duties and taxes are only due upon the transfer of the equipment and materials to the Bangladesh Party or Bangladesh recipient agency. The Netherlands Party is in no way under an obligation to pay customs-duties or taxes.

Article X

Reporting and Review

1. The Team-leader shall in close consultation with the BWDB submit to both Executive Authorities a semi-annual report in the English language on the progress made in the execution of the Project.

2. At the termination of the Project the Team-leader shall submit to all parties involved a final report in the English language on all aspects of the work done in connection with the Project.

3. Every six months the Project-activities shall be reviewed by a review-mission, in which mission the BWDB, the IDA, the EEC and DGIS shall have the opportunity to participate.

Article XI

Evaluation

The Executive Authorities shall have the Project evaluated three years after the start of the Project, in close cooperation with the IDA and EEC.

Article XII

Settlement of Disputes

Any dispute concerning the interpretation or implementation of this Administrative Arrangement which cannot be settled in consultation between both Parties shall be referred to the respective Governments in a way to be decided upon by the latter.

Article XIII

Entry into Force and Duration

1. This Administrative Arrangement shall enter into force on July 31st 1990, on signature by both Parties or on the day that the Bangladesh Party has signed both

– the credit-agreement with the International Development Association for the contribution of SDR 40,800,00.– to the project-activity and

– the financing memorandum with the European Economic Community for the contribution of ECU 13,500,000.– to the project-activity, whichever date is the later.

2. This Administrative Arrangement shall expire at the end of the period mentioned in Article I, paragraph 3, 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 Project Document, whichever date is the later.

DONE at Dhaka on the June, 21st day of 1990 in two originals in the English language.

(sd.) J. H. J. JEURISSEN

For the Netherlands Minister for Development Cooperation

(sd.) A. CHOWDHURY

For and on behalf of the Government of the People's Republic of Bangladesh

Het administratief akkoord is ingevolge artikel XIII, eerste lid, op 31 juli 1990 in werking getreden.

Uitgegeven de *achtste* februari 1991.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK