

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1991 Nr. 73

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de
Democratische Volksrepubliek Ethiopië inzake de tewerkstelling van
ontwikkelingswerkers;
Addis Abeba, 23 maart 1991*

B. TEKST

**Agreement between the Government of the Kingdom of the Netherlands
and the Government of the People's Democratic Republic of Ethiopia on
the Provision of Technical Assistants**

The Government of the Kingdom of the Netherlands (hereinafter the "Netherlands Government") and the Government of the People's Democratic Republic of Ethiopia (hereinafter the "Government of Ethiopia"), desirous of promoting understanding and friendly relations between the peoples of the two countries by the exchange of knowledge and professional skills have agreed as follows:

Article 1

1. The Netherlands Government shall, within the limits of available manpower, financial and material resources, provide technical assistants to serve on specific development projects in Ethiopia as may be agreed upon by the two Governments.

2. The Netherlands Government shall designate and entrust the implementation of this Agreement and other subsidiary agreements to the SNV-Netherlands Development Organization (hereinafter called "SNV").

3. Should the Netherlands Government contribute towards the financing of a project under this Agreement, financial resources will be supplied via SNV.

4. The details of implementation and administration of this Agreement shall be arranged by subsidiary agreements to be concluded between SNV and the competent Ethiopian authorities which shall be designated by the Government of Ethiopia.

5. In order to enable SNV to discharge its responsibilities in Ethiopia, the Government of Ethiopia is prepared to receive a Resident Representative of SNV and the necessary staff pursuant to Article 7 of this Agreement.

Article 2

1. The Ethiopian Government shall provide assistance for the satisfactory performance of the duties of technical assistants to be assigned to approved projects under this Agreement and subsidiary agreements.

2. During the period of their stay in Ethiopia the technical assistants shall be subject to the laws and regulations in force in Ethiopia.

3. Subject to prior agreement of the Ethiopian Government, representatives of the Netherlands Government or of SNV may visit projects in Ethiopia with the view to observe the performance of their technical assistants working in the project.

Article 3

1. Notwithstanding the provisions of Article 1 of this Agreement the Netherlands Government shall have the right to recall its technical assistance after consultation with the appropriate authorities of the Ethiopian Government. The necessary caution shall be taken so that such recall will not impair the smooth execution or operation of projects or programmes in which the technical assistants are engaged.

2. The Government of Ethiopia shall, after consultation with the Netherlands Government, have the right to demand the recall and replacement of any technical assistant if his or her personal or professional conduct justifies such a measure.

Article 4

1. The Netherlands Government shall:
a) be responsible for pre-assignment training and orientation of technical assistants prior to their arrival in Ethiopia;

b) meet the cost of social insurance, salaries, and transportation from and to the Netherlands for all technical assistants;

c) furnish the technical assistants with such personal and professional equipment, including motor vehicles as is deemed necessary for the effective execution of their duties, if such equipment can not be made available by the project.

2. The equipment and motor vehicles referred to above shall remain the property of the Netherlands Government unless, by mutual agreement, the ownership thereof has been vested in the Ethiopian Government.

Article 5

The Ethiopian Government shall provide any available facilities and the necessary assistance for the clearance and temporary storage at the place of arrival in Ethiopia of the equipment and motor vehicles mentioned in Article 4 above.

Article 6

The Ethiopian Government shall, in respect of the technical assistants:

a) exempt them from import duties on new or used household effects and personal belongings as well as professional equipment, imported into Ethiopia within six months after their arrival or that of their dependants, provided such goods are reexported from Ethiopia at the time of departure, otherwise they shall be subject to the payment of customs duties, taxes and related charges if sold locally to persons other than those entitled to similar privileges;

b) exempt them from or bear all costs of import and export duties, taxes and other related charges on equipment, materials, supplies and motor vehicles provided by the Netherlands Government or SNV for the implementation of agreed projects or programmes under this Agreement or any subsidiary agreement;

c) exempt them from income tax and other fiscal charges on salaries and emoluments received from Netherlands or other foreign sources as payment for their services in Ethiopia;

d) exempt from customs duties one motor-vehicle imported within six months after their first arrival in Ethiopia provided that such vehicle, unless sold to another person with similar privileges, shall be subject to the payment of import duty, taxes and other related charges if sold locally.

e) grant them exchange facilities for their incomes in accordance with the relevant regulations of the National Bank of Ethiopia;

f) provide them with entry and exit visas, work and residence permits free of charge as and whenever required, and with identity

documents to ensure the necessary cooperation of the appropriate authorities of Ethiopia in the performance of their duties;

g) provide them and their dependants with permission to enter or leave the country at any time subject only to applicable immigration laws of Ethiopia and offer them repatriation facilities in times of national or international crises as may be reasonable under the circumstances;

h) exempt the technical assistants or their dependants from national service obligations.

Article 7

1. In order to enable SNV to discharge its responsibilities in Ethiopia SNV shall set up a coordination unit in Addis Ababa. The unit operates under the direction of a Resident Representative of SNV and will be staffed by SNV. The unit will report annually about its operations to the Government of Ethiopia and the Netherlands Government.

2. The Government of Ethiopia shall grant the exemptions and privileges of Article 6, except paragraph b, to the Resident Representative and his expatriate staff.

3. The Government of Ethiopia shall exempt SNV from customs duties, taxes and other related charges on equipment, materials, supplies and vehicles imported by it solely for the use of its coordination unit, provided that such equipment material, supplies and vehicles shall be subject to the payment of customs duties, taxes and other related charges if sold locally to persons other than those entitled to similar privileges.

Article 8

The Ethiopian Government:

a) provides the technical assistants with free housing at places where they are to perform their duties;

b) provides the technical assistants with medical and dental facilities to the same standard as provided to civil servants of the Ethiopian Government of comparable rank;

c) agrees to it that local institutions and organisations may contribute to the salaries of technical assistants, but at most the salary of an Ethiopian employee of comparable rank.

Article 9

1. The Government of Ethiopia shall grant the Resident Representative, his expatriate staff and the technical assistants of SNV immuni-

ty from legal action in respect of any acts done and words spoken or written in their official capacity.

2. The Government of Ethiopia shall indemnify and hold harmless the Government of the Netherlands, the SNV and its Resident Representative, as well as his expatriate staff and the technical assistants against any extra-contractual civil liabilities arising from any act or omission on the part of any one of them under this Agreement resulting in the death, physical injury or damage to property of a third party in so far such death, injury or damage does not arise from criminal act, wilful misconduct or gross negligence.

3. In the event that the Ethiopian Government has to meet claims under Article 9 paragraph 2 above, it shall be entitled to exercise and enforce all rights to which the Netherlands Government, the SNV and its Resident Representative, as well as his staff and the technical assistants would be entitled. The Government of the Netherlands shall facilitate the exercise and enforcement of such rights by the Ethiopian Government.

Article 10

1. The present Agreement shall enter into force on the date on which the Netherlands Government and the Ethiopian Government have informed each other in writing that the constitutional requirements in their respective countries have been complied with. As regards the Netherlands Government, this Agreement shall apply only to the part of the Kingdom in Europe.

2. The present Agreement shall be valid for a term of five years and shall be renewable by tacit consent for similar periods afterwards unless one of the Governments notifies the other at least six months before the expiry of the current period of its intention to terminate it.

IN WITNESS THEREOF the undersigned representatives, duly authorized thereto, have signed the present Agreement.

DONE at Addis Ababa, on 23 March 1991, in duplicate, in the English language each of which shall be equally authentic.

(sd.) J.M. JONKMAN

For the Government of the Kingdom of the Netherlands

(sd.) AKLILU AFEWORK

For the Government of the People's Democratic Republic of Ethiopia

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 bepalingen van de Overeenkomst zullen ingevolge artikel 10, eerste lid, in werking treden op de dag waarop de beide Regeringen elkaar schriftelijk hebben medegedeeld dat de constitutionele vereisten in hun onderscheiden landen zijn voltooid.

Wat het Koninkrijk der Nederlanden betreft, geldt de Overeenkomst ingevolge dezelfde bepaling alleen voor Nederland.

J. GEGEVENS

Bij gelegenheid van de ondertekening van de onderhavige Overeenkomst zijn nog de volgende brieven gewisseld:

Nr. I

Royal Netherlands Embassy
P.O. Box 1241
Addis Ababa

Note on the application of
Article 8 of the Agreement

23 March 1991

Your Excellency,

On the occasion of the signing today of the Agreement between the Kingdom of the Netherlands and the People's Democratic Republic of Ethiopia on the development of technical assistants I have the honour to inform you that my Government bases itself on the following understanding in relation to article 8 of the Agreement.

Whenever the authorities of the People's Democratic Republic of Ethiopia financially will be in a position to contribute towards the salaries and cost of Netherlands technical assistants such a contribution will be made. This contribution, to be agreed upon between the Ethiopian and Netherlands authorities, shall not exceed the amount Ethiopian and Netherlands authorities would have had to spend on salaries and cost in case Ethiopian employees would have been appointed. The foregoing shall, as the case may be, apply to Netherlands technical assistants on established postings anyway, but it shall

apply also as much as possible to Netherlands technical assistants on temporary postings or to those who are complementary advisers, unless the Government of the People's Democratic Republic of Ethiopia will have appointed already an Ethiopian employee who will proceed with the activities of the Netherlands technical assistant after the latter's departure.

I would very much appreciate to receive a confirmation that the above is also the understanding of the Government of the People's Democratic Republic of Ethiopia.

Yours sincerely,

(sd.) J.M. JONKMAN

J.M. Jonkman
Ambassador

*To H.E. Mr Aklilu Afework
Minister of the State Committee
for Foreign Economic Relations
Addis Ababa*

Nr. II

THE PEOPLE'S DEMOCRATIC REPUBLIC OF ETHIOPIA

OFFICE OF THE STATE COMMITTEE FOR FOREIGN ECONOMIC RELATIONS

P.O. Box 2428 ADDIS ABABA

Ref. No. EU-10/3.11.8/305

Date 23 March 1991

Your Excellency,

I have the honor to refer to Your Excellency's Note of today's date concerning the deployment of the Netherlands technical assistants to Ethiopia which reads as follows:

(zoals in Nr. I)

In reply, I have the honor to confirm that concerning Article 8 of the Agreement, the understanding of the Government of the People's

Democratic Republic of Ethiopia is also based on the above quoted Note.

Please accept, Excellency, the assurances of my highest consideration.

(sd.) AKLILU AFEWORK

Minister of
Foreign Economic Relations

*His Excellency Mr. J.M. Jonkman
Ambassador of the Kingdom of the
Netherlands
Addis Ababa*

Uitgegeven de *zevenentwintigste* mei 1991.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK