

20 (1991) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1991 Nr. 90

A. TITEL

*Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en
het Centrum voor Menselijke Nederzettingen (Habitat) houdende een
overeenkomst met betrekking tot de uitvoering van resolutie 12/18 van de
Commissie voor Menselijke Nederzettingen, met bijlage;
Nairobi, 13 december 1990/17 januari 1991*

B. TEKST

Nr. I

No. NAH9827

Nairobi, 13 December 1990

Re. Arrangement between the United Nations Centre for Human Settlements (UNCHS) and the Government of the Kingdom of the Netherlands regarding the Implementation of Resolution 12/18 of the Commission on Human Settlements

Dear Dr. Ramachandran,

I have the honour to transmit herewith the text of the abovementioned Arrangement regarding the "Intergovernmental Meeting on Human Settlements and Sustainable Development", held at the Hague, the Netherlands, from 5 to 9 November 1990.

I would propose that this letter and your affirmative reply shall constitute an Agreement between UNCHS and the Government of the Kingdom of the Netherlands, which Agreement shall enter into force, with retro-active effect to 5 November 1990, on the date of your reply and will remain applicable for the duration of the meeting and for any additional period necessary to conclude the operations.

Accept, your Excellency, the assurances of my highest appreciation.

Yours sincerely,

(sd.) L. P. J. MAZAIRAC

L. P. J. Mazairac
Permanent Representative

UNCHS (Habitat)
Attn. Dr. A. Ramachandran,
Executive Director
P. O. Box 30030
NAIROBI KENYA

Nr. II

UNITED NATIONS CENTRE FOR HUMAN SETTLEMENTS
(HABITAT)

17 January 1991

Excellency,

Re: Agreement between the United Nations Centre for Human Settlements (Habitat) and the Government of the Kingdom of the Netherlands regarding the Implementation of Resolution 12/18 of the Commission on Human Settlements

I have the honour to acknowledge with thanks receipt of your letter No. NAH 9827 of 13 December 1990 on the above and to confirm that your afore-mentioned letter and my present letter constitute an Agreement between UNCHS (Habitat) and the Government of the Kingdom of the Netherlands regarding the implementation of resolution 12/18 of the Commission on Human Settlements, which Agreement shall enter into force retroactively from 5 November 1990.

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

(sd.) A. RAMACHANDRAN

Arcot Ramachandran
Executive Director

*H. E. Mr. L. P. J. Mazairac
Permanent Representative
Permanent Mission of the Kingdom
of the Netherlands to UNCHS (Habitat)
Nairobi*

Arrangement between the United Nations Centre for Human Settlements (UNCHS) and the Government of the Kingdom of the Netherlands regarding the implementation of Resolution 12/18 of the Commission on Human Settlements

In paragraph 9 of its Resolution 12/18 entitled 'The theme "Human settlements in relation to the concept of sustainable development" and the contribution of the Commission on Human Settlements to the preparations for a United Nations conference on environment and

development in 1992', the Commission on Human Settlements authorized the Executive Director, with a view to assisting in the preparation of the necessary relevant analysis and documentation for a United Nations Conference on environment and development, and to the extent additional voluntary contributions become available, to expand the preparatory process for the theme paper to include a broad-based (high-level) intergovernmental discussion and review of the critical issues involved, in the course of 1990.

Following consultations between the Executive Director of the United Nations Centre for Human Settlements (UNCHS) and the State Secretary for Housing, Physical Planning and Environment of the Government of the Kingdom of the Netherlands, the Executive Director and the State Secretary wish to express their mutual desire to cooperate in the implementation of the above-mentioned Resolution and, towards this end, agree as follows:

Article 1

Date and place of the meeting

The broad-based (high-level) intergovernmental discussion and review referred to in Resolution 12/18 of the Commission on Human Settlement shall, at the invitation of the Government of the Kingdom of the Netherlands, be held at the Hague from 5 to 9 November 1990.

Article 2

Participation in the meeting

1. Participation in the meeting shall be open to the following upon designation or invitation by the United Nations Commission on Human Settlements:

- a) Representatives of Member States of the United Nations or of any specialized agency;
- b) Representatives designated by intergovernmental organizations, national liberation movements and other organizations entitled as of the date of the meeting to attend meetings of the General Assembly of the United Nations or those of the Economic and Social Council;
- c) The Executive Heads, or their representatives, of the specialized agencies of the United Nations, of the International Atomic Energy Agency, as well as the appropriate officials or officers of other United Nations bodies, programmes and organizations;
- d) Observers designated by a non-governmental organization in consultative status with the Economic and Social Council or designated by other intergovernmental and non-governmental organizations invited by the Commission.

2. The Executive Director of UNCHS shall designate the officials of the United Nations assigned to attend the meeting of the purpose of servicing it.

Article 3

Premises, equipment, utilities and supplies

1. The Government shall provide at its cost such conference rooms and offices as will be necessary for the holding of the meeting in the Hague. They shall include five conference rooms as follows: one to accommodate the meetings of the plenary and four to accommodate the meetings of working groups.

2. The Government shall also provide at its cost suitable offices furnished and equiped for officials of UNCHS, as well as for personnel provided by the Government to perform functions in connection with the meeting. These facilities shall include a lounge and areas equiped for typing, reproduction and distribution of documents. The facilities to be provided by the Government are detailed in the Annex to this Arrangement. The Government shall also assist representatives of the information media in obtaining suitable working areas.

3. To the extent required by UNCHS, the afore-mentioned premises shall remain at the disposition of UNCHS twenty-four hours a day, three days prior to the meeting until a maximum of three days after the closing of the meeting. UNCHS shall, however, notify the Government at any time during the specified period if it no longer requires all or part of the premises.

4. The Government shall furnish, equip and maintain at its expense all the afore-mentioned rooms, offices and working areas in a manner adequate for the effective conduct of the meeting. The conference room for the sessions of the plenary shall be equipped or simultaneous interpretation in the six languages of the meeting and shall have facilities for sound recording, as well as for the press, television, radio and film operations. Two of the rooms assigned for group meetings shall have interpretation facilities for two languages.

5. The Government shall at its expense adequately furnish and maintain such equipment as photocopying and other duplicating machines, typewriters, tape recorders, microcomputers and other equipment and local staff as is necessary for the effective conduct of the meeting. A list of the required equipment appears in the Annex to this Arrangement.

6. The Government shall provide, within the conference area, an information desk, a documents distribution desk, postal and banking

facilities, a travel bureau, domestic and international telephones, telex and cable facilities for participants and the information media.

7. The Government shall provide all necessary utility services, including official telephone communications for the secretariat of the meeting within the Hague and communications by telex and telephone between the secretariat of the meeting and the United Nations headquarters in New York, the United Nations office at Geneva and the UNCHS headquarters in Nairobi. The long distance telephone and telex communications will be made only by persons designated by the Executive Director of the UNCHS.

8. The Government shall pay for the transport, insurance and maintenance charges for shipment from Nairobi to the Hague and return of all United Nations supplies and equipment required for adequate functioning of the meeting.

Article 4

Medical facilities

1. Medical facilities for adequate first-aid and emergencies shall be provided by the Government within the conference area.

2. For serious emergencies, the Government shall arrange to ensure immediate access and admission to hospital. The Government shall also ensure that the transport necessary for this purpose is constantly available at the conference site.

Article 5

Accommodation

The Government undertakes that sufficient and adequate accommodation at reasonable commercial rates shall be available for all persons referred to in Article 2. The Government shall provide information to delegations, the staff of the United Nations and other participants in the meeting for obtaining hotel reservations and other accommodation for the duration of the meeting.

Article 6

Transport

The Government shall provide transport between the airport and the conference area and principal hotels for the members of the United Nations Secretariat servicing the meeting upon their arrival and departure. The Government shall also ensure regular transport

services between the site of the meeting and the principal hotels not in the immediate vicinity thereof.

Article 7

Local personnel

1. The Government shall appoint a liaison officer who shall be responsible, in consultation with the UNCHS for making and coordinating the administrative and personnel arrangements required for the organization and functioning of the meeting, as well as for all other matters connected with the implementation of the present Arrangement.

2. The Government shall recruit and provide an adequate number of secretaries, typists, clerks, personnel for the reproduction and distribution of documents, assistant conference officers, ushers, messengers, bilingual receptionists, telephone operators, cleaners and workmen required for the proper functioning of the meeting. The exact requirements in this respect will be established by UNCHS in consultation with the Government. Some of the persons shall be available at least three days before the opening of the meeting and until a maximum of three days after its closure, as required by UNCHS.

Article 8

Security

The Government shall furnish at its expense such police protection and security measures as may be required to ensure a proper atmosphere of tranquility and safety.

Article 9

Financial arrangements

1. The Government shall bear the costs directly or indirectly involved in holding the meeting at the Hague. Such costs – provisionally estimated at approximately US\$ 66,135.00 – shall include, but not be restricted to, the actual costs of travel and staff entitlements of the United Nations officials assigned by the Secretariat to attend the meeting, as well as the costs of shipment of equipment and supplies not available locally. Arrangements for the travel of United Nations officials requested to service the meeting and for the shipment of supplies and equipment not available locally shall be made by the Secretariat in accordance with the Staff Regulations and Rules of the

United Nations, and related administrative practices regarding travel standards.

2. The Government shall, as soon as possible but not later than deposit with UNCHS the sum of¹⁾ representing the total estimated costs of the meeting.

3. If necessary, the Government shall make further advances as requested by the United Nations so that the latter will not at any time have to finance temporarily from its cash resources the extra costs that are the responsibility of the Government.

4. The deposit referred to in paragraph 2 above shall be used only to pay the obligations of UNCHS in respect of the meeting.

5. After the meeting is over, UNCHS shall give the Government a detailed set of accounts showing the actual costs incurred by UNCHS. These costs shall be expressed in United States dollars using the United Nations official rate of exchange at the time the payments are made. UNCHS, on the basis of this detailed set of accounts, will refund to the Government any funds unspent out of the deposit referred to in paragraph 2 above. Should the actual costs exceed the deposit, the Government will remit the outstanding balance within one month of the receipt of the detailed accounts. The final account will be subject to audit as provided for in the Financial Regulations and Rules of the United Nations. The final adjustment of accounts will be subject to any observations which may arise from the audit carried out by the Board of Auditors.

Article 10

Liability

1. The Government shall be responsible for dealing with any action, claim or other demand against UNCHS arising out of:

a) Injury to person or damage to or loss of property in the premises referred to in Article 3 above;

b) Injury to person or damage to or loss of property caused by, or incurred in using the transport services referred to in Article 6 above;

c) The employment for the meeting of the personnel provided by the Government under Article 7 above.

2. The Government shall indemnify and hold harmless UNCHS and its personnel in respect of any such action, claim or other demand.

¹⁾ Bij brief van 20 december 1990 is dit bedrag gesteld op US \$ 56.524.

Article 11

Privileges and immunities

1. The Convention on Privileges and Immunities of the United Nations of 13 February 1946, to which the Government acceded on 19 April 1948 shall be applicable to the meeting.

2. Representatives of States participating in the meeting shall enjoy the privileges and immunities accorded under Article IV of the Convention.

3. Officials of the United Nations performing official duties at the meeting, shall enjoy the privileges and immunities provided by Article V and Article VII of the Convention and experts on mission for the United Nations in connection with the meeting shall enjoy the privileges and immunities provided under Article VI of the Convention.

4. The representatives referred to in Article 2 shall enjoy immunities from legal process in respect of words spoken or written and all acts performed by them in connection with their participation in the session.

5. Representatives or officials of the specialized agencies or the International Atomic Energy Agency participating in the meeting shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the United Nations or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as appropriate.

6. The Government undertakes to ensure that local personnel assigned to UNCHS to perform functions in connection with the meeting shall be able to do so without let or hinderance and without impediment to the exercise of their functions under the authority of UNCHS.

7. Alle persons referred to in Article 2 above shall have the right of entry into and exit from the Netherlands and no impediment shall be imposed on their transit to and from conference areas, visas and entry permits, where required, shall be granted free of charge and as speedily as possible.

8. For the purpose of the Convention on Privileges and Immunities of the United Nations, the conference premises specified in Article 3, paragraph 1, above, shall be deemed to constitute premises of the United Nations in the sense of section 3 of the Convention and access thereto shall be subject to the authority and control of UNCHS. The premises shall be inviolable for the duration of the meeting, including the preparatory and the winding-up stages.

9. The participants in the meeting, representatives of the information media and officials of the secretariat of the meeting, shall have the right to take out of the Netherlands at the time of their departure, without any restrictions, any unexpected portions of the funds they brought into the Netherlands in connection with the meeting.

Article 12

Import duties and tax

UNCHS, its assets, income and other property shall be exempt from customs duties and prohibitions on imports and exports in respect of articles imported or exported by UNCHS for its official use. It is understood, however, that articles imported under such exemption will not be sold in the Netherlands except under conditions agreed with the Government.

Article 13

Settlement of disputes

Any dispute between UNCHS and the Government concerning the interpretation or application of this Arrangement that is not settled by negotiation or other agreed mode of settlement shall be referred at the request of either party for final decision to a tribunal of three arbitrators, one to be named by the Executive Director of UNCHS, one to be named by the Government and the third, who shall be the Chairman, to be chosen by the first two. If either party fails to appoint an arbitrator within sixty days of the appointment by the other party, or if these two arbitrators should fail to agree on the third arbitrator within sixty days of their appointment, the President of the International Court of Justice may make any necessary appointments at the request of either party. However, any such dispute that involves a question regulated by the Convention on the Privileges and Immunities of the United Nations shall be dealt with in accordance with Section 30 of that Convention.

Article 14

Modification

This arrangement may be modified by written agreement between the Government and UNCHS.

D. PARLEMENT

De in de brieven vervatte overeenkomst behoeft 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, niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van de in de brieven vervatte overeenkomst zijn op 17 januari 1991 in werking getreden, met terugwerkende kracht vanaf 5 november 1990.

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

J. GEGEVENS

Het *Centrum voor Menselijke Nederzettingen (HABITAT)* is ingesteld bij resolutie 32/162 van 19 december 1977 van de Algemene vergadering van de Verenigde Naties.

Op 23 januari 1978 besloot de ECOSOC de bestaande Commissie voor Huisvesting, Woningbouw en Ruimtelijke Ordening om te zetten in de *Commissie voor Menselijke Nederzettingen* (E/RES/1978/1).

Van het op 26 juni 1945 te San Francisco tot stand gekomen Handvest van de Verenigde Naties zijn de Engelse en de Franse tekst, zoals gewijzigd, geplaatst in *Trb.* 1979, 37 en een herziene vertaling in het Nederlands in *Trb.* 1987, 113. Zie ook *Trb.* 1990, 119.

Van het op 26 juni 1945 te San Francisco tot stand gekomen Statuut voor het Internationaal Gerechtshof, naar welk Hof wordt verwezen in artikel 13 van de bovenstaande Overeenkomst, zijn de Engelse en de Franse tekst geplaatst in *Trb.* 1971, 55 en een herziene vertaling in het Nederlands in *Trb.* 1987, 114.

Van het op 26 oktober 1956 te New York tot stand gekomen Statuut van de Internationale Organisatie voor Atoomenergie, naar welke Organisatie in artikel 2 van bovenstaande Overeenkomst wordt verwezen, zijn tekst en vertaling geplaatst in *Trb.* 1957, 50; zie ook, laatstelijk, *Trb.* 1990, 51.

Van het op 13 februari 1946 te Londen tot stand gekomen Verdrag inzake voorrechten en immuniteiten van de Verenigde Naties, naar welk Verdrag in artikel 11 van bovenstaande Overeenkomst wordt verwezen, zijn tekst en vertaling bekendgemaakt in *Stb.* I 224, zie ook, laatstelijk, *Trb.* 1979, 35.

Van de op 1 juli 1959 te Wenen tot stand gekomen Overeenkomst inzake de voorrechten en immuniteiten van de Internationale Organisatie voor Atoomenergie, naar welke Overeenkomst in artikel 11 van bovenstaande Overeenkomst wordt verwezen, is de Engelse tekst geplaatst in *Trb.* 1965, 49; zie ook *Trb.* 1971, 57.

Uitgegeven de *elfde* juni 1991.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK