

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1992 Nr. 195

A. TITEL

*Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de Verenigde Naties houdende een overeenkomst met betrekking tot de uitvoering van resolutie 13/16 van de Commissie voor menselijke nederzettingen, met bijlage;
Nairobi/'s-Gravenhage, 1 november 1992*

B. TEKST

Nr. I

UNITED NATIONS CENTRE FOR HUMAN SETTLEMENTS
(Habitat)

Nairobi, Kenya

Office of the Executive Director

1 November 1992

Excellency,

I have the honour to transmit, herewith attached, the text of the arrangements between the United Nations and the Government of the Kingdom of the Netherlands regarding the implementation of resolution 13/16 of the Commission on Human Settlements. With the present letter, I wish to obtain your Government's acceptance of the arrangements as hereto attached.

I would propose that this letter, together with its attachments and your affirmative reply, shall constitute an agreement between the United Nations and the Government of the Kingdom of the Netherlands, which agreement shall enter into force on the date of receipt of

your reply and will remain applicable for the duration of the meeting and for any additional period necessary to conclude the operations.

Accept, Excellency, the assurances of my highest consideration.

(sd.) A. RAMACHANDRAN

Arcot Ramachandran
Executive Director

*His Excellency,
Mr. Hans van den Broek,
Minister for Foreign Affairs
The Hague,
The Netherlands.*

Arrangements between the United Nations and the Government of the Kingdom of the Netherlands regarding the implementation of resolution 13/16 of the Commission on human settlements

Whereas in operative paragraph 1 of its resolution 13/16 of 8 May 1991 entitled "Governmental/Non-governmental Co-operation at the International Level" the Commission on Human Settlements requested the Executive Director of the United Nations Centre for Human Settlements (Habitat) "to examine the possibilities for convening a meeting of governmental, non-governmental and community-based organizations' representatives at which all aspects, possibilities and modalities for increased international government/non-governmental cooperation in the field of human settlements will be discussed, provided additional means become available;"

Whereas following consultations between the Executive Director of the United Nations Centre for Human Settlements (Habitat) and the Minister for Foreign Affairs of the Government of the Kingdom of the Netherlands, the Government of the Kingdom of the Netherlands (hereinafter referred to as "the Government") has expressed its desire to co-operate in the implementation of the above-mentioned resolution;

Now therefore, the United Nations and the Government hereby agree as follows:

Article I

Date and place of the Conference

The meeting shall be held at The Hague, the Netherlands, from 2 to 6 November 1992.

Article II

Attendance at the Conference

1. Participation at the meeting shall be open to the following upon designation or invitation by the United Nations:

a) Representatives of Member States of the Commission on Human Settlements;

b) Representatives of Member States of the United Nations or of any specialized agency;

c) Representatives designated by intergovernmental organizations, national liberation movements and other organizations entitled as of the date of the Commission Session to attend sessions of the General Assembly of the United Nations or that of the Economic and Social Council.

d) The executive heads, or their representatives, of the specialized agencies of the United Nations, of the IAEA, as well as the appropriate officials or officers of other United Nations bodies, programmes and organizations.

e) 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 or institutions invited by the Commission.

2. The Secretary-General of the United Nations shall designate the officials of the United Nations assigned to attend the meeting for the purpose of servicing it.

3. The public sessions of the meeting shall be open to representatives of the information media accredited by the United Nations at its discretion after consultation with the Government.

Article III

Premises, equipment, utilities and supplies

1. The Government shall provide the necessary premises, including conference rooms for informal meetings, office space, working areas and other related facilities, as specified in the schedule hereto. The Government shall at its expense furnish, equip and maintain in good repair all these premises and facilities in a manner that the United

Nations considers adequate for the effective conduct of the Conference. The conference rooms shall be equipped for reciprocal simultaneous interpretation between 3 languages and shall have facilities for sound recording in that number of languages as well as facilities for press, television, radio and film operations, to the extent required by the United Nations. The premises shall remain at the disposal of the United Nations 24 hours a day from two weeks prior to the Conference until a maximum of six days after its close.

2. The Government shall provide, if possible within the conference area: bank, post office, telephone and telegram facilities, as well as appropriate eating facilities, a travel agency and a secretarial service centre, equipped in consultation with the United Nations, for the use of delegations to the conference on a commercial basis.

3. The Government shall bear the cost of all necessary utility services, including local telephone communications, of the secretariat of the meeting and its communications by telex or telephone with United Nations Headquarters in New York or other established headquarters or appropriate United Nations offices when such communications are authorized by or on behalf of the Executive Director of UNCHS (Habitat).

4. The Government shall bear the cost of transport and insurance charges, from any established United Nations Office to the site of the meeting and return, of all United Nations equipment and supplies required for the adequate functioning of the meeting. The United Nations shall determine the mode of shipment of such equipment and supplies.

Article IV

Accommodation

The Government shall ensure that adequate accommodation in hotels or residences is available at reasonable commercial rates for persons participating in or attending the meeting.

Article V

Medical facilities

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

2. For serious emergencies, the Government shall ensure immediate transportation and admission to a hospital.

Article VI

Transport

1. The Government shall provide transport between the Amsterdam airport and the conference area and principal hotels for the members of the United Nations Secretariat servicing the Conference upon their arrival and departure.

2. The Government shall ensure the availability of transport for all participants and those attending the meeting between the Amsterdam airport, the principal hotels and the conference area.

3. The Government shall provide an adequate number of cars with drivers for official use by the principal officers and the secretariat of the Conference, as well as such other local transportation as is required by the secretariat in connection with the meeting:

Article VII

Police protection

The Government shall furnish such police protection as may be required to ensure the effective functioning of the meeting in an atmosphere of security and tranquillity free from interference of any kind.

Article VIII

Local personnel

1. The Government shall appoint a liaison officer who shall be responsible, in consultation with the United Nations, for making and carrying out the administrative and personnel arrangements for the meeting as required under this Agreement.

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, as well as drivers for the cars referred to in article VI, paragraphs 1 and 3. The exact requirements in this respect will be established by the United Nations in consultation with the Government. Some of the persons shall be available at least one week before the opening of the meeting and until a maximum of six days after its close, as required by the United Nations.

Article IX

Financial arrangements

1. The Government, in addition to the financial obligations provided for elsewhere in this Agreement, shall, in accordance with General Assembly resolution 31/140, Section I, paragraph 5, bear the actual additional costs directly or indirectly involved in holding the meeting in the Netherlands rather than at Nairobi. Such costs, which are provisionally estimated at approximately US\$ 162,720 (or its equivalent in Dutch guilders) shall include, but not be restricted to, the actual additional costs of travel and staff entitlements of the United Nations officials as mentioned under article II, paragraph two, assigned to plan for or attend the meeting, as well as the costs of shipping any necessary equipment and supplies. Arrangements for the travel of United Nations officials required to plan for or service the meeting and for the shipment of any necessary equipment and supplies shall be made by the Secretariat in accordance with the Staff Regulations and Rules of the United Nations and its related administrative practices regarding travel standard, baggage allowances, subsistence payments and terminal expenses.

2. The Government shall, as soon as possible after the exchange of letters constituting the agreement, deposit with the United Nations the sum of US\$ 162,720 representing the total estimated costs referred to in paragraph 1. 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.

3. The deposit and the advances required by paragraph 2 shall be used only to pay the obligations of the United Nations in respect of the meeting.

4. After the meeting, the United Nations shall give the Government a detailed set of accounts showing the actual additional costs incurred by the United Nations and to be borne by the Government pursuant to paragraph 1. These costs shall be expressed in United States dollars, using the United Nations official rate of exchange at the time the payments are made. The United Nations, on the basis of this detailed set of accounts, shall refund to the Government any funds unspent out of the deposit or the advances required by paragraph 2. Should the actual additional costs exceed the deposit, the Government shall remit the outstanding balance within one month of the receipt of the detailed accounts. The final accounts shall be subject to audit as provided in the Financial Regulations and Rules of the United Nations, and the final adjustment of accounts shall be subject to any observations which may arise from the audit carried out by the United

Nations Board of Auditors, whose determination shall be accepted as final by both the United Nations and the Government.

Article X

Liability

1. The Government shall be responsible for dealing with any action, claim or other demand against the United Nations or its officials and arising out of:

a) Injury to persons or damage to or loss of property in the premises referred to in article III that are provided by or are under the control of the Government;

b) Injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in article VI that are provided by or are under the control of the Government;

c) The employment for the meeting of the personnel provided by the Government under article VIII.

2. The Government shall indemnify and hold harmless the United Nations and its officials in respect of any such action, claim or other demand, unless the damage was caused intentionally by the personnel of the United Nations.

Article XI

Privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, to which the Government acceded on 19 April 1948 shall be applicable in respect of the meeting. In particular, the representatives of States and of the intergovernmental organs referred to in article II, paragraph I (a) and (b), above, shall enjoy the privileges and immunities provided under article IV of the Convention, the officials of the United Nations performing functions in connection with the meeting referred to in article II, paragraphs I (g) and 2, above, shall enjoy the privileges and immunities provided under articles V and VII of the Convention and any experts on mission for the United Nations in connection with the meeting shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

2. The representatives or observers referred to in article II, paragraph I (c), (e), (f) and (h), above, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in the meeting.

3. The personnel provided by the Government under article VIII, above, shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the meeting.

4. The representatives of the specialized or related agencies, referred to in article II, paragraph I (d), above, shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as appropriate.

5. Without prejudice to the preceding paragraphs of the present article, all persons performing functions in connection with the meeting, including those referred to in article VIII and all those invited to the meeting, shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the meeting.

6. All persons referred to in article II shall have the right of entry into and exit from the Netherlands, and no impediment shall be imposed on their transit to and from the meeting area. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted free of charge, as speedily as possible and not later than two weeks before the date of the opening of the meeting, provided the application for the visa is made at least three weeks before the opening of the meeting; if the application is made later, the visa shall be granted not later than three days from the receipt of the application. Arrangements shall also be made to ensure that visas for the duration of the meeting are delivered at the airport to participants who were unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the meeting.

7. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the meeting premises specified in article III, paragraph I, 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 the United Nations. The premises shall be inviolable for the duration of the meeting, including the preparatory stage and winding-up.

8. The Government shall allow the temporary importation, tax-free and duty-free, of all equipment, including technical equipment accompanying representatives of information media, and shall waive import duties and taxes on supplies necessary for the meeting. It shall issue without delay any necessary import and export permits for this purpose.

Article XII

Settlement of disputes

Any dispute between the United Nations and the Government concerning the interpretation or application of these Arrangements that are 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 Secretary-General of the United Nations, 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 60 days of the appointment by the other party, or if these two arbitrators should fail to agree on the third arbitrator within 60 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 XIII

Final provisions

These arrangements may be modified by written agreement between the United Nations and the Government.

Annex

MEETING ON CO-OPERATION BETWEEN GOVERNMENTS AND NON-GOVERNMENTAL ORGANIZATIONS IN THE FIELD OF HUMAN SETTLEMENTS

The requirements (in terms of staff, facilities, services, equipment and supplies) of United Nations to service the above-mentioned meeting which will be held at The Hague from 2 to 6 November 1992 are as follows:

Staff to be provided by United Nations

- 1 - Executive Director
- 8 - UNCHS staff members
- 9 - Total

Staff to be provided by the Host Government

- 1 – Chief Liaison Officer
- 6 – Interpreters (English/French/Spanish)
- 8 – Secretaries
- 2 – Conference Officers
- 1 – Documents Control Officer
- 2 – Photocopy Machine Operators
- 4 – Mimeograph Operators (Collators)
- 2 – Documents Distribution Clerks
- 4 – Registration Clerks (with knowledge on the use of Micro-computers)
- 1 – Information Clerk
- * – Technicians for Sound Equipment
- * – Maintenance Personnel
- * – Telex Operators
- * – Telephone Operators
- * – Transport Dispatchers
- * – Cleaners
- * – Medical staff

- * – Total

- * As required.

Facilities to be provided by the Host Government

1. Conference room to be made available which is sufficient to accommodate all the participants in Article II of the Arrangement plus additional seats for the press.

This room will be equipped as follows:

- 1 five-position podium
- 1 table wired for reception of interpretation accommodating 4 seats for secretariat staff.
- 1 desk and 3 chairs near the podium for conference officers; desk should be wired for reception of interpretation and have telephone with light not bell.

- 1 booth immediately adjacent to the conference room for documents distribution with shelving or pigeonholes.

- 1 standing lectern for plenary meetings.

The Conference room should be equipped for simultaneous interpretation from and into 3 languages.

The interpretation booths should accommodate two interpreters comfortably in one booth.

Interpreters should be able to switch to 3 channels, i.e. the original language as well as the 2 language channels.

2 Conference rooms seating 50 participants.

2 Conference rooms seating 20 – 30 participants.

1 Delegates' lounge

Office Accommodation

a) Offices for the Executive Director and the 8 UNCHS staff members with their secretaries;

b) Offices, as appropriate, for the local staff to be provided by the Host Government.

Equipment

1. Typewriters/word processors for the secretaries
2. Typewriters and computers for the registration clerks
3. Furniture in offices as appropriate
4. 2 photocopying machines (one to be a high-speed photocopier)
5. Heavy duty and light duty stickers
6. 1 Documents distribution counter (3m length approximately)
7. 150 pigeonholes for distribution of documents to delegations
8. Programme board
9. Name plates and holders for the conference rooms
10. Office door signs
11. Electric or manual pencil sharpeners
12. 2 Facsimile machines (Group II/III)

Supplies

- General office supplies, including wastepaper baskets
- In and Out trays, ashtrays (for offices)
- Pads, pencils, ashtrays, wastepaper baskets, water jars, glasses and trays for conference rooms and interpreter booths
- Water jars, glasses for the meeting rooms
- Photocopy paper
- Flags of the United Nations and the host country
- Identification badges

Other facilities and services to be provided at the Conference site:

Security

Cable and telex

Domestic and international telephone booths for use by delegations

Internal telephone system (with internal and local-call capability)

2 direct-line telephones with international dialling capability for designated officials and 1 additional direct line for the fax machine

Cafeteria or restaurant for use by delegations and staff

Bank

Post Office

Registration desk

Information and travel desks

Medical first-aid station

Cars with drivers for the UNCHS staff members (1 for the Executive Director and 2 for the UNCHS staff members).

Nr. II

MINISTER FOR FOREIGN AFFAIRS

1 November 1992

Dear Sir,

I have the honour to acknowledge receipt of your letter dated 1 November 1992 regarding the implementation of resolution 13/16 of the Commission on Human Settlements and to confirm that your aforementioned letter and my present letter constitute an agreement between the United Nations and the Government of the Kingdom of the Netherlands, which shall enter into force on the day of receipt of this letter.

Accept, Excellency, the assurances of my highest consideration.

(sd.) H. VAN DEN BROEK

Hans van den Broek
Minister for Foreign Affairs for the
Kingdom of the Netherlands

*Dr. Arcot Ramachandran,
Executive Director,
United Nations Centre for
Human Settlements (Habitat)
Nairobi,
Kenya.*

(Zelfde bijlage als Nr. I)

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 1 november 1992 in werking getreden.

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, laatstelijk, *Trb.* 1992, 101.

Het Internationaal Gerechtshof, naar welks President in artikel XII van de Regelingen gehecht aan de onderhavige brieven wordt verwezen, is opgericht bij het Statuut van San Francisco, 26 juni 1945. De Engelse en de Franse tekst van het Statuut zijn geplaatst in *Trb.* 1971, 55 en de herziene vertaling in *Trb.* 1987, 114.

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 XI van de Regelingen gehecht aan de onderhavige brieven wordt verwezen, zijn tekst en vertaling bekendgemaakt in *Stb.* I 224, zie ook, laatstelijk, *Trb.* 1979, 35.

Van het op 21 november 1947 te New York tot stand gekomen Verdrag nopens de voorrechten en immuniteiten van de gespecialiseerde organisaties, naar welk Verdrag in artikel XI, vierde lid, van de Regelingen gehecht aan de onderhavige brieven wordt verwezen, zijn tekst en vertaling bij Koninklijk besluit van 11 februari 1949 bekendgemaakt in *Stb.* J 67; zie ook, laatstelijk, *Trb.* 1987, 194.

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

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 XI van de Regelingen gehecht aan de onderhavige brieven wordt verwezen, is de Engelse tekst geplaatst in *Trb.* 1965, 49; zie ook *Trb.* 1971, 57.

Uitgegeven de *negende* december 1992.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK