

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1992 Nr. 92

A. TITEL

*Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de Wereldgezondheidsorganisatie houdende een overeenkomst inzake de op 26 en 27 oktober 1992 te Amsterdam te houden Conferentie van Ministers betreffende malaria;
Genève, 27 maart/23 en 24 april/18 mei 1992*

B. TEKST

Nr. I

WORLD HEALTH ORGANIZATION

27 March 1992

Sir,

I have the honour to refer to the arrangements for the Ministerial Conference on Malaria which the World Health Organization (WHO) plans to organize in Amsterdam, the Netherlands, from 26 to 27 October 1992. With the present letter, I wish to obtain your Government's acceptance of the following arrangements:

1. Date and Place of Activities

I The Conference will be held from 26 to 27 October 1992, in Amsterdam.

II The Royal Tropical Institute (RTI) will act on behalf of WHO to implement the organizational arrangements for the Conference.

III The activities of the Conference will start on Sunday, 25 October and last through Wednesday, 28 October 1992.

IV The Conference will be organized in plenary sessions and working groups.

2. Participants

Participation will be open to the following:

- I High-level participants proposed by approximately 95 country Governments, and specifically their Ministers of Health, where malaria is a problem, invited for participation in the meeting by WHO;
- II Representatives of approximately 25 Donor Governments and Agencies, invited for participation in the meeting by WHO;
- III Experts invited by WHO to serve as resource persons in order to provide substantive contributions to the attainment of the objectives of the meeting;
- IV Representatives of WHO, the United Nations, its specialized agencies and other appropriate bodies of the United Nations, and selected inter-governmental organizations invited by WHO;
- V Representatives of selected non-governmental organizations invited by WHO; and,
- VI Representatives of the media.

The total number of participants is estimated at 450.

3. Responsibilities of the Host Government

For the adequate organization and development of the Conference, the Government of the Netherlands will:

- I contribute towards the net costs of the Conference, i.e. net of Value Added Tax (VAT). The Netherlands contribution is meant for the payment of RTI's expenses, according to the contract to be concluded between WHO and RTI. The Government agrees to reimburse Value Added Tax (VAT) to WHO, or to RTI if so claimed by RTI upon authorization of WHO;
- II exercise all reasonable care to ensure security on the premises in which the meeting takes place and to ensure the safety of the officials of WHO and participants concerned while on such premises. The Government will take whatever steps may be reasonably required in the circumstances to ensure such security and such safety, including such supervision of the premises as may be warranted; and,
- III assure adequate media coverage at national level.

4. Responsibilities of WHO

On its part WHO will:

- I organize and finance the Conference;
- II issue the invitations to the Conference and provide the

Government with the list of the participants, not later than six weeks before the start of the Conference;

III provide and finance travel and related expenses of the participants mentioned in Article 2, paragraph I and paragraph III;

IV provide and finance the travel and related costs of the Organization's officials;

V select, hire and finance the temporary personnel required for the Conference;

VI organize and carry out the registration of participants;

VII provide local transportation;

VIII provide and finance simultaneous interpretation in the six WHO official languages if required by the attendance of relevant ministers, i.e. in Arabic, Chinese, English, French, Russian and Spanish. Any Governmental delegation may speak in any other language if it provides interpretation itself into one of the official languages;

IX promote through appropriate international channels preparations for and results of the Conference; and,

X assure adequate media coverage at international level.

5. Privileges and Immunities

I The Government recognizes that the Convention on the Privileges and Immunities of the Specialized Agencies will be applicable to the Conference. Accordingly, representatives of Governments and officials of WHO performing official functions in connection with the Conference will enjoy the privileges and immunities provided by Articles V and VI of the Convention. The World Health Organization declares that participants invited by the World Health Organization to the Conference mentioned in Article 2, paragraph III are experts on mission within the meaning of Annex VII of the Convention, and consequently it is agreed that they will enjoy the privileges and immunities provided by that Annex.

II The Government will impose no impediment to the transit to and from meetings of persons whose presence at the Conference is authorized by the World Health Organization and shall grant any visas required for such persons promptly and without charge.

III Representatives of NGO's participating in the Conference pursuant to this Agreement will enjoy immunity from legal process in respect of words spoken or written.

IV The Government will deal with any action, claim, or other demand against the World Health Organization or its personnel arising out of:

- i injury to person or damage to property in the premises provided for the Conference;
- ii injury to person or damage to property incurred in using the transportation provided by the Government for the Conference;
- iii the employment by the Government of temporary personnel for the Conference;

and, the Government will hold harmless the World Health Organization and its personnel in respect of any such action, claim or demand, unless both Parties agree that these damages were caused by gross negligence or intentionally caused by personnel of WHO.

V Without prejudice to their privileges and immunities, it is the duty of all participants enjoying privileges and immunities to respect the laws and regulations of the Netherlands. They also have a duty not to interfere in the internal affairs of the Netherlands.

6. Arbitration

Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provisions of the Convention on the Privileges and Immunities of the Specialized Agencies or of any other applicable agreement will, unless the parties otherwise agree, be submitted to a tribunal of three arbitrators, one of whom shall be appointed by the Director-General of WHO, one by the Government, and the third, who will be the chairman, by the other two arbitrators. If either Party does not appoint an arbitrator within three months of the other Party having notified the name of its arbitrator, or if the first two arbitrators do not within three months of the appointment of the second one of them appoint the chairman, then such arbitrator will be nominated by the President of the International Court of Justice at the request of either Party to the dispute.

Except as otherwise agreed by the Parties, the tribunal will adopt its own rules of procedure, provide for the reimbursement of its members and the distribution of expenses between the Parties, and take all decisions by a two-thirds majority. Its decisions on all questions of procedure and substance will be final and, even if rendered in default of one of the parties, be binding on both of them.

I propose that upon receipt of your confirmation in writing of the above, this exchange of letters shall constitute an agreement between the World Health Organization and the Government of the Netherlands regarding the provision of host facilities by your Government for the Conference.

Accept, Sir, the assurance of my highest consideration.

For the World Health Organization

(sd.) RALPH H. HENDERSON

for Hiroshi Nakajima, M.D., Ph.D.
Director-General

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Nr. II

MISSION PERMANENTE DU ROYAUME DES PAYS-BAS
AUPRES DE L'OFFICE DES NATIONS UNIES ET DES AUTRES
ORGANISATIONS INTERNATIONALES A GENEVE

No. 2984

Geneva, 23 April 1992

Re: Malaria Conference

Dear Dr. Henderson,

I thank you for WHO's letter of 27 March 1992, no. CTD M2/87/59, on the arrangement for the Ministerial Conference on Malaria which the World Health Organization plans to organize in Amsterdam, the Netherlands, from 26 to 27 October 1992.

The Netherlands authorities, still having difficulties with the formulation of para 3.I of the proposed arrangement, would like to propose the following wording for that paragraph:

"Contribute towards the net costs of the Conference, i.e. net of Value Added Tax (VAT). The Netherlands contribution is meant for the payment of RTI's expenses, according to the contract to be concluded between WHO and RTI. In conformity with Par. 10 of the Convention on Privileges and Immunities of the Specialized Agencies, the Government agrees to reimburse to WHO VAT-charges paid by WHO in connection with organizing the Conference. However, as to VAT-charges paid by RTI, the Government agrees to reimburse VAT to RTI."

I would appreciate receiving confirmation from you that the proposed wording for para 3.I is agreeable to you and that this new wording can replace para 3.I as formulated in your letter of 27 March 1992.

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

(sd.) H. WAGENMAKERS

Hendrik Wagenmakers
Ambassador
Chargé d'Affaires a.i.

*Dr. R. H. Henderson
Assistant Director-General
WHO
20, avenue Appia
1211 Geneva 27*

Nr. III

WORLD HEALTH ORGANIZATION

24 April 1992

Sir,

I have the honour to refer to your letter of 23 April 1992, seeking clarification of Article 3, paragraph I of the letter from the World Health Organization, dated 27 March 1992, on the arrangements for the Ministerial Conference on Malaria to be held in Amsterdam, the Netherlands, on 26 and 27 October 1992.

I can confirm that the proposed clarification of Article 3, paragraph I is acceptable. The entire paragraph would thus read as set forth below and may be treated as an integral part of the text of the aforementioned letter of 27 March 1992 as though it originally appeared therein:

"Contribute towards the net costs of the Conference, i.e. net of Value Added Tax (VAT). The Netherlands contribution is meant for the payment of RTI's expenses, according to the contract to be concluded between WHO and RTI. In conformity with paragraph 10 of the Convention on the Privileges and Immunities of the Specialized Agencies, the Government agrees to reimburse to WHO VAT charges paid by WHO in connection with organizing the Conference. How-

ever, as to VAT charges paid by RTI, the Government agrees to reimburse VAT to RTI."

Please accept, Sir, the assurance of my highest consideration.

(s.) RALPH H. HENDERSON

Ralph H. Henderson, M. D.
Assistant Director-General

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Netherlands to the United Nations Office and
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Nr. IV

MISSION PERMANENTE DU ROYAUME DES PAYS-BAS
AUPRES DE L'OFFICE DES NATIONS UNIES ET DES AUTRES
ORGANISATIONS INTERNATIONALES A GENEVE

No. 3445

Geneva, 18 May 1992

Re: Ministerial Conference on Malaria 1992

Dear Director-General,

I have the honour to acknowledge receipt of your letter ref. CTD M2/87/59, of 27 March 1992 and the letter of the Assistant Director-General of 24 April 1992, the last letter being the reply to my letter No. 2984, d.d. 23 April 1992, all three letters (I, II and III) reading as follows:

(Zoals in de Nrs. I, II en III)

I have the honour to inform you that my Government is prepared to host the meeting in question.

My Government considers the three above mentioned letters and this reply as together constituting an agreement between the Government of the Kingdom of the Netherlands and the World Health Organization, which shall enter into force on the date of this reply and

shall remain in force for the duration of the meeting and for such additional period as is necessary for its preparation and winding up, the total duration of this agreement however not to exceed one year.

Please accept, Director-General, the assurances of my highest consideration.

(sd.) J. F. BODDENS HOSANG

J. F. Boddens Hosang
Ambassador
Permanent Representative of the
Kingdom of the Netherlands

*Dr. H. Nakajima
Director-General of the
World Health Organization
20, avenue Appia
1211 Geneva 27*

D. PARLEMENT

De in de brieven vervatte overeenkomst behoeft ingevolge artikel 91, juncto additioneel artikel XXI, eerste lid, onderdeel b, van de Grondwet en 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 18 mei 1992 in werking getreden.

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

J. GEGEVENS

De Wereldgezondheidsorganisatie is opgericht op 22 juli 1946. De Franse en de Engelse tekst en de vertaling van het op 22 juli 1946 te New York tot stand gekomen Statuut van de Wereldgezondheidsorganisatie zijn bekendgemaakt in Stb. I 182. Zie ook, laatstelijk, Trb. 1986, 162.

De tekst en vertaling van het op 21 november 1947 te New York tot stand gekomen Verdrag nopens de voorrechten en immuniteten van

de gespecialiseerde organisaties, naar welk Verdrag in paragraaf 5 van brief Nr. 1 wordt verwezen, zijn bekendgemaakt in Stb. J 67. Zie ook, laatstelijk, *Trb.* 1987, 194.

Het Internationaal Gerechtshof, naar welks President in paragraaf 6 van brief Nr. I 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.

Uitgegeven de negentwintigste juni 1992.

De Minister van Buitenlandse Zaken

H. VAN DEN BROEK