

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1994 Nr. 172

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en het Koninkrijk
Nepal inzake de technische assistentie bij het opstellen van
biodiversiteitsprofielen voor Nepal;
New Delhi/Kathmandu, 29 juni 1994/8 juli 1994*

B. TEKST

**Agreement between the Government of the Kingdom of the
Netherlands and His Majesty's Government of Nepal on 'technical
assistance to establishment of bio-diversity profiles in Nepal'**

The Government of the Kingdom of the Netherlands
and
His Majesty's Government of Nepal
have entered into the following Agreement:

Article I

1. The two Governments shall jointly execute a project to be known as 'Technical Assistance to Establishment of Bio-diversity Profiles in Nepal.'

2. The major objective of the proposed project is to conserve and ensure sustainable utilisation of natural resources.

3. The project is planned to last 1 (one) year, with effect from the date of signing of this Agreement.

4. The value of the Netherlands Government's contribution is estimated at Dfl. 506,232/- (Five hundred six thousand and two hundred and thirty two Netherlands' guilders only).

Article II

Both Governments shall establish by common consent a Project Document indicating in detail the contributions of either party, the number of Netherlands personnel and their job descriptions, the duration of their stay in the Project and a description of the equipment and materials to be made available.

Article III

His Majesty's Government of Nepal shall take any measure which may be necessary to exempt the Netherlands personnel from regulations or other legal provisions which may interfere with operations under this Agreement, and shall grant them such other facilities as may be necessary for the speedy and efficient execution of the project, as described in the Plan of Operations approved by both Governments.

His Majesty's Government of Nepal shall,

1. grant the Netherlands personnel, their spouses and dependants, the prompt issuance, free of charge, of necessary visas, licenses or permits;
2. grant the Netherlands personnel access to the site of work and all necessary right of way;
3. grant the Netherlands personnel free movement, whether within or to or from the country;
4. grant the Netherlands personnel the prevailing rate of exchange;
5. grant the Netherlands personnel, their spouses and dependants repatriation facilities in time of national and international crisis;
6. grant the Netherlands personnel, their spouses and dependants exemption from national service obligations;
7. exempt the Netherlands personnel from taxes, duties or fees on:
 - a. the salaries, emoluments or wages in connection with this Agreement paid by the Netherlands Government;
 - b. the importation and exportation of any property (including one motor-vehicle) for their personal use;
8. grant the Netherlands personnel immunity from legal action in respect of words spoken or written and in respect of all acts performed by them in their official capacity.

Article IV

Privileges and immunities are not granted to the Netherlands personnel for the personal benefit of the individuals themselves. The Netherlands Government shall waive the immunity in any case where, in its

opinion, the immunity would impede the cause of justice and can be waived without prejudice to its interests.

Article V

1. His Majesty's Government of Nepal shall indemnify and hold harmless the Netherlands Government and the personnel supplied by the Netherlands against liability, arising from any act or omission, made in the course of the performance of the duties of the Netherlands personnel and causing the death or physical injury to the third party or damage to the property of a third party, unless such liability derives from wilful misconduct or from gross negligence on the part of one or more members of the personnel.

2. If His Majesty's Government of Nepal has to deal with any claim in accordance with the preceding paragraph His Majesty's Government of Nepal will be entitled to exercise all rights to which the Netherlands Government or the Netherlands personnel are entitled.

Article VI

1. His Majesty's Government of Nepal shall exempt from all import and export duties and other official charges the equipment (including motor-vehicles) and other supplies provided by the Netherlands Government in connection with the project.

2. The ownership of all equipment and materials supplied by the Netherlands Government will be transferred to His Majesty's Government of Nepal at the end of the project, unless both Governments otherwise agree.

Article VII

1. This Agreement will enter into force for the period of 1 (one) year from the day of its signing.

2. Unless this Agreement is denounced 30 (thirty) days before the end of the one year period it is deemed to be prolonged indefinitely or for such a period as both Governments may find necessary.

3. In case this Agreement is prolonged it will end on the date on which the project has been completed.

4. All the costs pertaining to the project in this prolonged period will be borne by the Netherlands Government.

5. After termination of the Agreement in conformity with the paragraphs 2 and 3 of this Article the provisions of the Agreement will be applied for a further period of 3 (three) months maximum, with a view to the administrative completion of the project.

Article VIII

The Honorary Consul of the Netherlands to Nepal shall be the liaison person on behalf of the Netherlands Government in matters regarding the smooth execution of the project.

For the Government of the Kingdom of the Netherlands

(sd.) K.P.M. DE BEER

H.E. The Ambassador of the Netherlands to India and Nepal
New Delhi, 29 June 1994

For His Majesty's Government of Nepal

(sd.) THAKUR NATH PANTHY

Secretary Ministry of Finance
Kathmandu, 8 July 1994

D. PARLEMENT

Het Verdrag behoefde niet de goedkeuring van de Staten-Generaal ingevolge additioneel artikel XXI, eerste lid, van de Grondwet, juncto artikel 62, eerste lid, onderdeel c, van de Grondwet naar de tekst van 1972, alvorens in werking te kunnen treden.

Het Verdrag heeft echter ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal met het oog op de verlenging voor onbepaalde tijd..

G. INWERKINGTREDING

Het Verdrag is ingevolge artikel VII, eerste lid, op 8 juli 1994 in werking getreden.

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

Uitgegeven de *achttiende* augustus 1994.

De Minister van Buitenlandse Zaken,

P. H. KOOIJMANS