

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1994 Nr. 199

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de Republiek
Kenya inzake technische samenwerking;
Nairobi, 29 april 1980*

B. TEKST

De tekst van de Overeenkomst is geplaatst in *Trb.* 1980, 109.

C. VERTALING

Trb. 1980, 109.

D. PARLEMENT

Zie *Trb.* 1981, 120.

Bij brieven van 24 februari 1994 zijn de in rubriek J van *Trb.* 1993, 181 afgedrukte administratieve akkoorden medegegeerd aan de Eerste en de Tweede Kamer der Staten-Generaal.

Het in rubriek J afgedrukte administratief akkoord behoeftte ingevolge artikel 91, juncto additioneel artikel XXI, eerste lid, onderdeel b, van de Grondwet en juncto artikel 62, eerste lid, onderdeel b, van de Grondwet naar de tekst van 1972, niet de goedkeuring van de Staten-Generaal alvorens in werking te treden.

G. INWERKINGTREDING

Zie *Trb.* 1981, 120.

J. GEGEVENS

Zie *Trb.* 1984, 21 en *Trb.* 1993, 181.

Ter uitvoering van artikel I van de onderhavige Overeenkomst is op 19 augustus 1994 te Nairobi tussen de bevoegde wederzijdse autoriteiten een administratief akkoord tot stand gekomen inzake een project betreffende het nationale lepra- en tuberculoseprogramma. De tekst van het administratief akkoord luidt als volgt:

Administrative Arrangement

The Netherlands Minister for Development Cooperation, being the competent Netherlands Authority for the purpose of this Administrative Arrangement, hereinafter referred to as "the Netherlands Party", represented in this matter by the Ambassador Extraordinary and Plenipotentiary of Her Majesty the Queen of the Netherlands,

and

the Kenyan Minister for Finance, being the competent Kenyan Authority for the purpose of this Administrative Arrangement, hereinafter referred to as "the Kenyan Party",

With regard to the provisions of Article I of the Agreement on Technical Cooperation between the Kingdom of the Netherlands and the Republic of Kenya, signed at Nairobi on the 29th April 1980, hereinafter referred to as "the Agreement",

Have entered into the following Administrative Arrangement:

Article I

the Project

1. The two parties shall jointly carry out a project, to be known as "National Leprosy and Tuberculosis Programme (NLTP)", hereinafter referred to as "the Project".

2. The aim of the Project is to:

- decrease the infection of leprosy and tuberculosis;
- reduce the physical and psycho-social suffering as a result of one of the two diseases;
- reduction and prevention of handicaps and disfigurements caused by tuberculosis and leprosy.

3. This aim shall be pursued by:

- early diagnosis and treatment of leprosy and tuberculosis;
- research;

– training and education.

4. The cooperation between the two parties is planned to last for a period of four years (01.01.1992 – 31.12.1995).

Article II

the Netherlands Contribution

1. The Netherlands Party shall make the following contribution to the Project:

- the provision of medicines and materials;
- education and training;
- technical consultancy;
- transport;
- coordination and supervision.

2. The value of the Netherlands contribution to the implementation of the Project is estimated at the amount of 11,238,145 Dutch guilders and a contribution of the Netherlands Leprosy Relief Association (NSL) amounting to 500,000 Dutch guilders.

Article III

the Kenyan Contribution

1. The Kenyan Party shall make the following contribution to the Project:

- provision of medicines and materials;
- maintenance staff;
- hospital beds and food.

2. The total value of the Kenyan contribution is estimated at KSh 207,000,000/-.

Article IV

the Executive Authorities

1. The execution of the project has been assigned by the Netherlands Executive Authority, i.e. the Directorate General of International Cooperation of the Netherlands Ministry of Foreign Affairs, jointly to the Royal Netherlands Tuberculosis Association (KNCV) and the Netherlands Leprosy Relief Association (NSL).

The Netherlands Executive Authority shall be represented in Kenya, as far as the day to day operations of the Project are concerned, by the Netherlands Leprosy Relief Association (NSL) Donor representative's office. The Netherlands Leprosy Relief Association (NSL) representa-

tive's office shall act in close cooperation with the Kenyan Executive Authority and its representative and will respect the operational instructions given by the said Authority to the Kenyan personnel.

2. The Kenyan Party shall appoint the Minister of Health as the Kenyan Executive Authority in charge of the implementation of the Project.

The Kenyan Executive Authority shall be represented, as far as the day to day operations of the Project are concerned by the NLTP Coordinator, who will be the Kenyan Project Manager.

Article V

Delegation

Each of the Executive Authorities be entitled to delegate the duties in connection with the Project under its responsibility partly or entirely to other authorities or organisations. The Executive Authorities shall inform each other in writing of any such delegation and of the extent of the delegation.

Article VI

Project Manager/NSL Donor Representative's office

The Project Manager shall be responsible to the Kenyan Executive Authority for the correct implementation of the Kenyan contribution to the Project.

The NSL Donor representative's office in Kenya shall be responsible to the Netherlands Executive Authority for the correct implementation of the Netherlands contribution to the Project.

Article VII

the Working Document

1. The Executive Authorities shall establish by mutual consent a Working Document stating in detail the contribution of either Party, the number and duties of the personnel, their job descriptions, a time-table and a list of equipment and materials to be supplied by either Party and procedures for accountability by both parties.

2. The Working Document may be amended by mutual consent by the Executive Authorities.

3. The Working Document shall form an integral part of this Administrative Arrangement.

Article VIII

Personnel

The Netherlands personnel shall enjoy the privileges and immunities described in Article II and III of the Agreement.

Article IX

Equipment and Materials

The provisions of Article VII of the Agreement are applicable to the importation of the equipment and materials provided by the Netherlands Party. Upon completion of the project the ownership of the equipment and materials of the project and materials shall be transferred to the Government of Kenya unless otherwise agreed between the Executive Authorities.

Article X

Reporting

The Project Manager and the NSL Donor representative shall jointly submit to the Executive Authorities half yearly reports in English on the progress made on the implementation of the Project. On the termination of the Project they shall submit to all parties involved a final report in English on all aspects of the work executed in connection with the Project.

Article XI

Evaluation

1. At the end of the first year of the Project Implementation an evaluation will be held; thereafter evaluations will be scheduled by the Executive Authorities.
2. The composition of the evaluation missions will be defined jointly by the Executive Authorities.

Article XII

Settlement of Disputes

Any dispute concerning the interpretation or implementation of this Administrative Arrangement which cannot be settled by consultations between the two Parties shall be referred to the respective governments.

Article XIII

Entry into Force and Duration

This Administrative Arrangement shall enter into force with retroactive effect to 1st January 1992 on the date of signature by both Parties

and shall expire either at the end of the period stated in Article I, paragraph 4, of this Arrangement or on the date on which the Project has been completed in conformity with the provisions of this Arrangement and of the Working Document whichever date is the later.

DONE at Nairobi on the 19th day of August 1993 in two originals in English

For the Netherlands Minister for Development Cooperation

(sd.) R. FRUIN

Ambassador of the Netherlands

For the Kenyan Minister for Finance

(sd.) D. B. KIMUTAI

Het akkoord is ingevolge zijn artikel XIII op 19 augustus 1994 in werking getreden, met terugwerkende kracht vanaf 1 januari 1992.

Uitgegeven de derde oktober 1994.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO