

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1994 Nr. 234

A. TITEL

*Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden
en de Verenigde Naties houdende een verdrag inzake de "Work
Session on Geographical Information Systems", te Voorburg van
27-30 september 1994;
Genève, 18 augustus, 7, 15 en 22 september 1994*

B. TEKST

NR. I

UNITED NATIONS OFFICE AT GENEVA
THE DIRECTOR-GENERAL

G/LE-311/21 [NETHS]

18 August 1994

Sir,

I have the honour to give you below the text of arrangements between the United Nations and the Government of the Netherlands (hereinafter referred to as "the Government") in connection with the Work Session on Geographical Information Systems, of the Economic Commission for Europe, to be held, at the invitation of the Government, in Voorburg, from 27 to 30 September 1994.

"Arrangements between the United Nations and the Government of the Netherlands regarding the Work Session on Geographical Information systems, of the Economic Commission for Europe, to be held in Voorburg, from 27 to 30 September 1994.

1. Participants in the Work Session will be invited by the Executive Secretary of the United Nations Economic Commission for Europe in accordance with the rules of procedure of the Commission and its subsidiary organs.

2. In accordance with the United Nations General Assembly Resolution 47/202, paragraph 17, adopted by the General Assembly on 22 December 1992, the Government will assume responsibility for any supplementary expenses arising directly or indirectly from the Work Session, namely:

a) to supply to all UN staff members who are to be brought to Voorburg, air tickets, economy class, Geneva-Voorburg-Geneva, to be used on the airlines that cover this itinerary;

b) to supply vouchers for air freight and excess baggage for documents and records; and

c) to pay to all staff, on their arrival in the Netherlands, according to United Nations rules and regulations, a subsistence allowance in local currency at the Organization's official daily rate applicable at the time of the Work Session, together with terminal expenses up to 108 United States dollars per traveller, in convertible currency, provided that the traveller submits proof of having incurred such expenses.

3. The Government shall provide for the Work Session adequate facilities including personnel resources, space and office supplies as described in the attached annex.

4. The Government shall be responsible for dealing with any action, claim or other demand against the United Nations arising out of (i) injury to person or damage to property in conference or office premises provided for the Work Session; (ii) transportation provided by the Government; and (iii) employment for the Work Session of personnel provided or arranged by the Government; and the Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand, except in cases of gross negligence or wilful misconduct of these officials and persons.

5. The Convention of 14 February 1946 on the Privileges and Immunities of the United Nations, to which the Netherlands is a party, shall be applicable to the Work Session, in particular:

a) The participants shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI of the Convention. Officials of the United Nations participating in or performing functions in connection with the Work Session shall enjoy the privileges and immunities provided under articles V and VII of the Convention;

b) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and

persons performing functions in connection with the Work Session shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Work Session;

c) Personnel provided by the Government pursuant to this Agreement 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 Work Session;

d) All participants and all persons performing functions in connection with the Work Session shall have the right of unimpeded entry into and exit from the Netherlands. Visas and entry permits, where required, shall be granted promptly and free of charge.

6. The rooms, offices and related localities and facilities put at the disposal of the Work Session by the Government shall be the Work Session Area which will constitute United Nations Premises within the meaning of Article II, Section 3, of the Convention of 13 February 1946.

7. The Government shall notify the local authorities of the convening of the Work Session and request appropriate protection.

8. 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 United Nations or of any other applicable agreement, will, unless the parties agree otherwise, be submitted to a tribunal of three arbitrators, one of whom will be appointed by the Secretary-General of the United Nations, 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 or nomination 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-third 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 have the honour to propose that this letter and your affirmative answer shall constitute an agreement between the United Nations and the Government of the Netherlands which shall enter into force on the date of your reply and shall remain in force for the duration of the Work Session and for such additional period as is necessary for its preparation and winding up.

Accept, Sir, the assurances of my highest consideration.

(sd.) V. PETROVSKY
Vladimir Petrovsky

*His Excellency
Ambassador Johan Boddens-Hosang
Permanent Representative of the
Netherlands to the Office of the
United Nations at Geneva
Case postale 276
1219 Châtelaine*

ANNEX

Staff and facilities necessary for the organization of the Work Session on Geographical Information Systems

Voorburg (Netherlands), 27–30 September 1994

I. SPACE FACILITIES

- A conference room with a seating capacity and writing desk facility for 30–40 participants;
- One office for the ECE secretariat and for small informal meetings of participants in the Work Session;
- Premises for the local staff.

II. EQUIPMENT AND OFFICE SUPPLIES

- Equipment and supplies for reproducing conference room documents, preferably on the premises;
- A personal computer and a laptop computer with installed English text processing software (Word Perfect, Word) and a connected printer;
- A photocopying machine;
- Arrangements for the display of discussion documents and similar material (i.e. overhead projector and blackboard; slide projection equipment upon request by participants);
- Name plates and stands for countries, international organizations and officers (chairman, rapporteur, secretariat) for tables in the conference hall (may be provided by the United Nations, on request).

III. LOCAL PERSONNEL

- Liaison officer responsible for organizational arrangements;
- Staff responsible for the reproduction, assembling and distribution of documents issued during the Work Session.

IV. UNITED NATIONS PERSONNEL

- Two members of the ECE secretariat.

V. FINANCIAL IMPLICATIONS

- Travel by air economy class of the ECE staff members, subsistence and terminal allowances at the official UN rate in force at the time of the Work Session.

NR. II

PERMANENT MISSION OF THE KINGDOM OF THE NETHERLANDS TO THE OFFICE OF THE UNITED NATIONS AND TO OTHER INTERNATIONAL ORGANISATIONS AT GENEVA

No: gev/mil/0390/94

Geneva, 7 september 1994

Dear Mr Director-General,

Further to your letter G/LE-311/21 [NETHS] dated 18 August 1994 concerning arrangements between the United Nations and the Government of the Netherlands regarding the work session on Geographical Information Systems of the Economic Commission for Europe, to be held in Voorburg, from 27 to 30 September 1994, I have the honour to propose the following amendments:

1. Under point 4.: the words "of these officials and persons" should be replaced by: "by personnel of the United Nations".
2. Under point 5.(a): a new paragraph "5.(b)" should be started after the first sentence.
3. 5.(b) should be 6.
4. Point 5.(c) should be deleted.
5. 5.(d), 6., 7., and 8., should be numbered 7., 8., 9., and 10. respectively.

I would appreciate it if the letter under reference could be amended accordingly. In view of the short time still available before the work session, an early response would be welcomed, which has to be forwarded to the competent authorities in The Hague for their final approval.

Please accept, Mr. 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

Mr. Vladimir Petrovsky
Director-General of the United Nations
Office in Geneva
8-14, avenue de la Paix
1211 Geneva 11

NR. III

UNITED NATIONS OFFICE AT GENEVA
THE DIRECTOR-GENERAL

15 September 1994

Sir,

I have the honour to acknowledge receipt of your reply dated 7 September 1994, to the letter dated 18 August from the Director-General, concerning arrangements between the United Nations and the Government of the Netherlands regarding the Work Session on Geographical Information Systems of the Economic Commission for Europe, to be held at the invitation of the Government of the Netherlands in Voorburg, from 27 to 30 September 1994.

I am in a position to confirm that the United Nations accept the five amendments, proposed in your letter referred to above. However, as far as the fourth amendment, i.e. the deletion of paragraph 5 (c) of the Director-General's letter of 18 August, is concerned, I have to point out that the Organization exceptionally agrees once more to the proposed deletion of the provision granting functional immunity to personnel provided by the Government.

The United Nations is of the view that the legal basis for granting privileges and immunities to all categories of persons participating in or servicing a meeting of the Organization is Article 105, paragraph 1 of the United Nations Charter which provides as follows: "The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes." Taking

into account that personnel provided by the Government is servicing a UN meeting together with UN officials who enjoy in that respect functional immunity, local personnel should enjoy the same immunity.

I suggest that consultations on the legal status of personnel provided by the Government of the Netherlands for future UN meetings to be held in the Netherlands, take place between a representative of the Permanent Mission of the Netherlands in Geneva and UNOG's Senior Legal Officer.

Accept, Sir, the assurances of my highest consideration.

(sd.) I. DIALLO
Issa Diallo
Officer-in-charge

*His Excellency
Ambassador Johan Boddens-Hosang
Permanent Representative of the
Netherlands to the Office
of the United Nations at Geneva
Case postale 276
1219 Châtelaine*

NR. IV

PERMANENT MISSION OF THE KINGDOM OF THE NETHERLANDS TO THE
OFFICE OF THE UNITED NATIONS AND TO OTHER INTERNATIONAL
ORGANISATIONS IN GENEVA

No. Gev/mil-0431/94

Geneva, 22 September 1994

Dear Mr. Director-General,

With regard to the Work Session of the Economic Commission for Europe, to be held in the Netherlands from 27 to 30 September 1994, and referring to:

- a. your letter ref. G/LE-311/21 [NETHS] of 18 August 1994;
- b. a letter of the Permanent Mission of the Kingdom of the Netherlands of 7 September 1994, being a reply to your letter mentioned under a.;
- c. a letter of Mr. Issa Diallo, Officer-in-Charge, of 15 September 1994, being a reply to the letter mentioned under b.,

I have the honour to inform you that my Government is prepared to host the Work Session in question. My Government agrees that the above mentioned letters, as attached hereto, and this reply together constitute an Agreement between the Government of the Kingdom of the Netherlands and the United Nations, which enters into force on the date of receipt of this reply and shall remain in force for the duration of the Work Session and for such additional period as is necessary for its winding up, the total duration of this Agreement however not to exceed one year.

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

(sd.) P. P. VAN WULFFTEN PALTHE
P. P. van Wulfften Palthe
Deputy Permanent Representative of the
Kingdom of the Netherlands

Mr. Vladimir Petrovsky
Director-General of the United Nations
Office in Geneva
8-14, avenue de la Paix
1211 Geneva 11

D. PARLEMENT

Het in de brieven vervatte verdrag behoeft ingevolge artikel 91 van de Grondwet, juncto artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het verdrag zijn ingevolge het in de laatste alinea's van de brieven Nrs. I en IV gestelde in werking getreden op 22 september 1994.

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

J. GEGEVENS

Van het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zijn de Franse en de Engelse tekst, zoals gewijzigd, geplaatst in *Trb.* 1979, 37 en de herziene vertaling in het Nederlands in *Trb.* 1987, 113; zie ook, laatstelijk, *Trb.* 1993, 168.

Van het op 13 februari 1946 te Londen tot stand gekomen Verdrag

nopens de voorrechten en immuniteiten van de Verenigde Naties, naar welk Verdrag wordt verwezen in onder meer artikel 5 van brief Nr. I, zijn tekst en vertaling geplaatst in *Stb.* I 224; zie ook, laatstelijk, *Trb.* 1994, 210.

Uitgegeven de *vijftiende* november 1994.

De Minister van Buitenlandse Zaken,

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