

41 (1995) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1995 Nr. 171

A. TITEL

*Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en het Milieu-programma van de Verenigde Naties houdende een verdrag betreffende de onderhandelingsvergadering van 12 tot 16 juni 1995 te 's-Gravenhage over het Verdrag inzake het behoud van Afrikaans-Euraziatische trekkende watervogels;
Nairobi, 9 juni 1995*

B. TEKST

Nr. I

UNITED NATIONS ENVIRONMENT PROGRAMME

Our Reference: MPSU/SM/en

Date: 9 June 1995

Sir,

I have the honour to refer to the Negotiating Meeting on the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), 12–16 June 1995 that the United Nations Environment Programme (UNEP) is arranging in The Hague, the Netherlands. With the present letter I wish to obtain your Government's acceptance of the following arrangements:

a) The participants invited by UNEP/CMS shall have the status of experts on mission for the UN within the meaning of the Article VI of the Convention of the Privileges and Immunities of the United Nations. Officials of the UN participating or performing functions in connection with the meeting shall enjoy Privileges and Immunities provided under the Articles V and VII of the Convention on the Privileges and Immu-

nities of the United Nations. Officials of the specialized agencies participating in the meetings shall be accorded the Privileges and Immunities provided under the Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies.

b) The Government shall impose no impediment to transit to and from the meetings of any persons whose presence at the meetings is authorized by the United Nations and shall grant any visas required for such persons promptly and without charge.

c) It is further understood that your Government will be responsible for dealing with any action, claim or other demand against the United Nations arising out of:

I Injury or damage to person or property in conference or office premises provided for the meeting;

II The employment for the meetings of personnel provided or arranged by your Government. Your Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand. Paragraph c. is not applicable in case of wilful misconduct or gross negligence of the person or persons concerned.

d) 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, shall, unless the parties otherwise agree, be submitted to a tribunal of three arbitrators, one of whom shall be appointed by the Secretary-General of the United Nations, one by the Government and the third, who shall 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 shall 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 shall 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 shall be final and, even if rendered in default of one of the parties, be binding on both of them.

I further propose that this letter and your affirmative answer shall constitute an agreement between the United Nations Environment Programme and the Government of the Kingdom of the Netherlands which shall enter into force on the date of your reply and shall remain in force for the duration of the meeting and for such additional period as necessary for its winding up, the total duration of this agreement however not to exceed one year.

Accept, Sir, the assurances of my highest consideration.

Yours sincerely,
(sd.) R. OLEMBO
Reuben Olembo
Deputy Executive Director

*His Excellency
The Permanent Representative of the Kingdom of the Netherlands to
UNEP
Permanent Mission of the Kingdom of the Netherlands to UNEP
P.O. Box 41537
Nairobi,
Kenya*

Nr. II

PERMANENT VERTEGENWOORDIGER VAN HET KONINKRIJK
DER NEDERLANDEN BIJ UNEP EN UNCHS (HABITAT)

Nairobi, 9 June 1995

Dear Mr. Olembo,

I have the honour to acknowledge receipt of your letter dated 9 June 1995, which reads as follows:

(Zoals in Nr. I)

I have the honour furthermore to confirm that your letter and this confirmative answer shall constitute an agreement between the United Nations Environmental Programme and the Government of the Kingdom of the Netherlands 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 necessary for its winding up, the total duration of this agreement however not to exceed one year.

Yours sincerely,
(sd.) R. J. TREFFERS
Ruud J. Treffers
Ambassador

*Mr. Reuben Olembo
Deputy Executive Director UNEP
UN Office at Nairobi
PO Box 30552
Nairobi*

D. PARLEMENT

Het in de brieven vervatte verdrag behoefde ingevolge artikel 7, letter c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring der Staten-Generaal alvorens in werking te kunnen treden.

G INWERKINGTREDING

De bepalingen van het in de brieven vervatte verdrag zijn ingevolge het gestelde in de voorlaatste alinea van de brieven op 9 juni 1995 in werking getreden.

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

J. GEGEVENS

Het Milieu-programma van de Verenigde Naties is ingesteld door de Algemene Vergadering van de Verenigde Naties op 15 december 1972 bij resolutie 2994 (XXVII).

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 paragraaf a. van de brieven, zijn tekst en vertaling geplaatst in *Stb.* I 224. Zie ook, laatstelijk, *Trb.* 1994, 210.

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 wordt verwezen in paragraaf a. van de brieven, zijn tekst en vertaling geplaatst in *Stb.* J. 67. Zie ook, laatstelijk, *Trb.* 1994, 211.

In paragraaf d. van de brieven wordt verwezen naar de Secretaris-Generaal van de Verenigde Naties. De Engelse en de Franse tekst, zoals gewijzigd, van het op 26 juni 1945 te San Francisco tot stand gekomen Handvest van die Organisatie zijn geplaatst in *Trb.* 1979, 37 en de vertaling in *Trb.* 1987, 113. Zie ook, laatstelijk, *Trb.* 1994, 277.

In paragraaf d. van de brieven wordt eveneens verwezen naar de President van het Internationaal Gerechtshof. De Engelse en de Franse tekst van het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van dat Hof zijn geplaatst in *Trb.* 1971, 55 en de vertaling in *Trb.* 1987, 114.

Uitgegeven de *twaalfde* juli 1995.

De Minister van Buitenlandse Zaken,

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