

9 (1965) Nr. 19

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1995 Nr. 275

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A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de Verenigde  
Republiek Tanzania inzake technische samenwerking;  
's-Gravenhage, 27 april 1965*

B. TEKST

De tekst van de Overeenkomst is geplaatst in *Trb.* 1965, 74. De Overeenkomst is gewijzigd bij notawisseling d.d. 30 oktober 1986 (zie ook rubriek J van *Trb.* 1987, 170).

C. VERTALING

Zie *Trb.* 1965, 74 en rubriek J van *Trb.* 1987, 170.

D. PARLEMENT

Zie *Trb.* 1967, 27 en, laatstelijk *Trb.* 1994, 241.

De in rubriek J van *Trb.* 1994, 197 en 241 afgedrukte administratieve akkoorden d.d. 7 maart, 20 januari, 28 april (2x) en 19 augustus 1994 (3x) zijn bij brieven van 10 februari 1995 ter kennis van de Staten-Generaal gebracht.

Het in rubriek J hieronder afgedrukte administratief akkoord behoeft ingevolge artikel 7, onderdeel b, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring der Staten-Generaal.

G. INWERKINGTREDING

Zie *Trb.* 1967, 27 en rubriek J van *Trb.* 1987, 170.

J. GEGEVENS

Zie *Trb.* 1967, 27, *Trb.* 1969, 38, *Trb.* 1970, 88, *Trb.* 1971, 164, *Trb.* 1972, 126, *Trb.* 1973, 161, *Trb.* 1974, 172, *Trb.* 1982, 186, *Trb.* 1985, 19, *Trb.* 1987, 170, *Trb.* 1988, 38, *Trb.* 1989, 147, *Trb.* 1990, 105, *Trb.* 1991, 186, *Trb.* 1993, 175 en *Trb.* 1994, 197 en 241.

Ter uitvoering van artikel 3 van de onderhavige Overeenkomst is op 22 augustus 1995 te Dar es Salaam tussen de bevoegde Nederlandse en Tanzaniaanse autoriteiten een administratief akkoord tot stand gekomen inzake het assisteren van het Departement voor Milieu met de uitvoering van het milieuonderwijsprogramma, het management en de veilige verwerking van schadelijke chemicaliën, studie van kust-erosie en institutionele steun. De tekst van het akkoord luidt als volgt:

#### **Administrative Arrangement**

The Netherlands Minister for Development Co-operation, being the competent Netherlands Authority for the purpose of this Administrative Arrangement, hereinafter referred to as "the Netherlands Party";

and

the Ministry of Finance of the United Republic of Tanzania, being the competent Tanzanian Authority for the purpose of this Administrative Arrangement, hereinafter referred to as "the Tanzanian Party";

Having regard to the provisions of Article 3 of the Agreement concerning technical cooperation between the Government of the Kingdom of the Netherlands and the Government of the United Republic of Tanzania, signed at The Hague on April 27, 1965, hereinafter referred to as "the Agreement".

Have entered into the following Administrative Arrangement:

#### Article I

##### *The Project*

1. The two Parties shall make concerted efforts in executing a project to be known as "Assistance to the Department of Environment Zanzibar" hereinafter referred to as "the Project".

2. The general aim of the Project is: to assist the Department of Environment with the implementation of the Environmental Education Programme, the management and safe disposal of harmful chemicals, the study of coastal erosion and institutional support.

3. The aim shall be pursued by the provision of technical assistance and a contract with the African Wildlife Foundation.

4. The aforesaid co-operation between the two Parties is planned to last 36 months.

#### Article II

##### *The Netherlands Contribution*

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

- technical bilateral expert for the institutional support to the Department of Environment;
  - Environmental Educational Programme to be contracted out to African Wildlife Foundation;
  - a contract to selected consultants for the destruction of harmful chemicals;
  - a coastal erosion study through a selected consultant.
2. The total value of the above mentioned Netherlands contribution shall not exceed the amount of 4,032,000,- Dutch guilders.

### Article III

#### *The Tanzanian Contribution*

1. The Tanzanian party shall make the following contribution to the Project:
- salaries of the Tanzanian Staff;
  - officer and part of the recurrent costs.
2. The total value of the Tanzanian contribution is estimated at 47,400,000 Tanzanian Shillings.

### Article IV

#### *The Executive Authorities*

1. The Netherlands Party shall appoint the Directorate General for International Co-operation of the Ministry of Foreign Affairs as the Netherlands Executive Authority in charge of the Project.
2. The Tanzanian Party shall appoint the Ministry of Finance as the Tanzanian Executive Authority in charge of the implementation of the Project.
3. The above-mentioned Netherlands Executive Authority shall be represented in Tanzania, as far as the day to day operations under the Project are concerned by the Netherlands Team-leader.

### Article V

#### *Delegation*

Each of the Executive Authorities, mentioned in Article IV, shall be entitled to delegate under its own responsibility, partly or entirely its duties in connection with the Project to a third party. In doing so, the Executive Authorities shall inform each other in writing of the names of persons or institutions delegated and of the extent of such delegation.

## Article VI

*Team-leader*

The Team-leader assigned by the Netherlands Party shall be responsible to the Netherlands Executive Authority for the correct implementation of the Netherlands contribution.

The Team-leader shall act in close consultation with the Tanzanian Executive Authority and will respect the operational instructions given by the said Authority to the Tanzanian personnel. The Tanzanian Executive Authority shall provide the Team-leader with any information that may be considered necessary for the execution of the Project.

## Article VII

*Plan of Operations*

1. The Executive Authorities shall establish in common agreement a Plan of Operations which will indicate in detail:

- the contributions of either Party;
- the number of the Netherlands and Tanzanian staff, their duties and their job descriptions;
- a time-table;
- a description of the equipment and materials to be made available;
- the monitoring and evaluation of the Project.

2. The Plan of Operations shall form an integral part of this Administrative Arrangement.

3. The Plan of Operations may be amended in common agreement between the Executive Authorities.

## Article VIII

*Status of the Expatriate Staff*

1. The Netherlands staff supplied by the Netherlands Party to the Project shall enjoy the privileges and facilities described in Article 4 of the Agreement.

2. The Tanzanian Party shall guarantee the following with respect to the Netherlands staff:

- a) the issuance without cost of necessary visas, licences and (work) permits;
- b) free movement, whether within or to or from the country;
- c) the most favourable official rate of exchange for all their Netherlands remunerations;
- d) exemption from national service obligations;
- e) immunity from legal action in respect of any words spoken or written and in respect of any acts performed in their official capacity.

3. a) The Tanzanian Party shall indemnify and hold harmless the Netherlands Party and the Netherlands staff, agents or employees financed by the Netherlands Party against any extra-contractual civil liability arising from any act or omission on the part of one or more of the individuals mentioned during the operations governed by or undertaken by virtue of this Arrangement which has caused the death or physical injury of a third party or damage to the property of a third party and shall abstain, on its part, from making any claim or instituting any action for extra-contractual civil liability, unless such liability is derived from wilful misconduct of gross negligence on the part of the Netherlands Party of individuals mentioned.

b) In the event the Tanzanian Party holds harmless the Netherlands Party, or one or more of the individuals mentioned above, against any claim or action for extra-contractual civil liability in accordance with paragraph 3 a) of this Article, the Tanzanian Party shall be entitled to exercise all rights to which the Netherlands Party or such individuals are entitled.

c) Should the Tanzanian Party so request, the Netherlands Party shall provide the competent Authorities of Tanzania with the administrative or juridical assistance needed for a satisfactory settlement of such problems as may arise in connection with the application of paragraphs 3a) and 3b) of this Article.

4. The Netherlands staff shall enjoy the same medical and dental facilities at Government hospitals as are provided for Tanzanian Government officials of comparable rank.

#### Article IX

##### *Status of the Netherlands equipment and materials*

1. The provisions of Article 5 of the Agreement shall be applicable to the importation and exportation of the Netherlands equipment and materials for the Project.

2. The ownership of all equipment and materials supplied by the Netherlands Party will be transferred to the Tanzanian Party at the time the co-operation between the two Parties on the Project will be terminated.

#### Article X

##### *Reporting*

The Netherlands Team-leader shall submit at least every six months a report in the English language on the progress made in the execution of the Project to both Executive Authorities. At the termination of the Project the Team-leader shall submit a final report in the English language on all aspects of the work done in connection with the Project to all Parties involved.

## Article XI

*Settlement of disputes*

Any dispute concerning the interpretation or implementation of this Administrative Arrangement, which cannot be settled in consultation between both Parties shall be referred to the respective Governments and settled in a way to be decided upon by the latter.

## Article XII

*Entry into force and duration*

This Administrative Arrangement shall enter into force with retroactive effect to January, 1994 on the date of signature by both Parties and shall expire at the end of the period mentioned in Article 1, 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 Plan of Operations, whichever date is the later.

DONE at Dar es Salaam on the 22th day of August 1995 in two originals in the English language.

*For Tanzania Principal Secretary Ministry of Finance*

(sd.) P. NGUMBULLU

*For the Netherlands Minister for Development Co-operation*

(sd.) J. L. IJZERMANS

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Het akkoord is ingevolge zijn artikel XII op 22 augustus 1995 in werking getreden, met terugwerkende kracht vanaf januari 1994.

Uitgegeven de *negenentwintigste* november 1995.

*De Minister van Buitenlandse Zaken,*

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