

2 (1997) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1997 Nr. 41

A. TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en de Voorbereidende Commissie voor de Organisatie voor het verbod van chemische wapens betreffende de opleiding van toekomstige inspecteurs en assistent-inspecteurs;
's-Gravenhage, 16 januari 1997*

B. TEKST

Agreement for the training course for OPCW inspector and inspection assistant candidates

between the Kingdom of the Netherlands, hereinafter “the Member State”

and

the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons, hereinafter “the Commission”,

concerning the inspectorate training courses for OPCW inspector and inspection assistant candidates.

Article I

a) The aim of this Agreement is to provide the necessary framework for the training course for inspectorate trainees and to define the mutual obligations of the Parties to this Agreement.

b) All communication and notification related to this Agreement will be directed between the Parties through the following designated points of contact:

– For the Member State:

Netherlands Delegation to the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons

– For the Commission:

Head, Training Branch

Verification Division

Provisional Technical Secretariat/OPCW

c) For the purpose of this Agreement, Trainees designated by the Provisional Technical Secretariat of the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons (hereinafter the Secretariat) and instructors provided by the Secretariat for the training courses are considered “experts” in accordance with the provision of article 1 k) of the Agreement between the Kingdom of the Netherlands and the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons concerning the Headquarters of the Commission of 8 December 1993 (Headquarters Agreement). All other designated staff members of the Provisional Technical Secretariat are considered “staff members” in accordance with the provision of article 1 g) of the Headquarters Agreement.

d) For the purpose of this Agreement, trainees designated by the Provisional Technical Secretariat enjoy the privileges and immunities specified in article 13 of the Headquarters Agreement.

Article II

The Member State undertakes to:

a) organise the following training courses and provide the corresponding necessary and appropriate training facilities, in accordance with the adopted General Training Scheme. Any such training course and facilities shall correspond to the certification file approved by the Commission:

– Module 1 Basic Training Course at the Royal Military School of the Air Force / Air Base Woensdrecht

– Module 2 J Specialist Course/ first week at Military Hospital Utrecht

b) accept for training the following number(s) of trainees:

– Module 1: 70 (with a possible increase of 25)

– Module 2 J: 8 for 5 days

c) accept for food and lodging:

Woensdrecht Air Base:

– Week 0 (5-11 January): 80

– Module 1/week 1: 150

– Module 1/week 2 to 7: 70 (with a possible increase of 25)

– Module 2/week 2,3,4: 8

– Module 2/week 7: 107

– Module 2/week 8: 125

– Module 2/week 9: 144

– Module 2/week 10: 159

Soesterberg Air Base:

– Module 2 J/week 1: 8

d) accept all trainees designated by the Secretariat for participation in the above mentioned courses/modules;

- e) provide appropriate visas to the trainees and take all reasonable steps to ensure the issuance of visas to the said trainees in due time, after the Secretariat has, in accordance with the provisions of Article III f) below, provided a provisional list of all trainees at least 45 days before the starting dates referred to in paragraph f) of this article;
- f) organise the courses in accordance with dates as indicated in the letter of the Executive Secretary ES/318/96 dated 29 November 1996;
- g) facilitate the smooth entry in and exit from the Member State of the trainees for the purpose of this training;
- h) draw up training schedules and training course content in accordance with the modules, certification and documentation approved by the Secretariat and to meet throughout the courses all the criteria for certification contained therein;
- i) accept at the training facilities all designated staff members of the Secretariat and instructors indicated on a list provided in advance to the start of training courses;
- j) provide as appropriate equipment corresponding to the adopted specifications for inspection equipment or, if unavailable, equipment with similar specifications for training activities; equipment to be used for training in M1 courses will be provided by the Secretariat; if unavailable, equipment will be supplied by the Training Centre, which will usually be items as in use of the Netherlands Armed Forces;
- k) report to the Head of the Health and Safety Office of the Secretariat any significant change that occurs in the physical and health condition of a trainee (e.g. pregnancy, respiratory condition, heart condition etc.). This excludes routine minor medical problems that can be expected to resolve in a short period. All medical information is to be treated as confidential, and transmission of information between the training facility's medical staff and the Secretariat's Health and Safety Office should occur in a way that protects medical confidentiality;
- l) conduct performance evaluations of all trainees, complete the evaluation reports as contained in the Secretariat performance evaluation document and report to the Secretariat the results of such evaluation;
- m) provide medical facilities for basic and emergency medical assistance to trainees;
- n) provide each trainee, all designated staff members of the Secretariat and instructors referred to in paragraph i) of this article with a briefing at the beginning of the training course on the national law and safety rules applicable to the training sites and facilities;
- o) provide each trainee with a briefing at the beginning of the training course, and as appropriate, with written information, on the customs and traditions of the Member State.

Article III

The Commission undertakes to:

- a) select the required number of trainees;

- b) conclude contractual obligations with each trainee; a blank copy of the Offer of Training for the OPCW Inspectorate is attached hereto¹⁾;
- c) ensure that all trainees, all designated staff members of the Secretariat and all instructors referred to in paragraph i) of Article II sign a secrecy agreement upon receipt of a permit to enter the training facilities which is issued for the duration of the courses within the General Training Scheme; a copy of the secrecy agreement is attached hereto¹⁾ ;
- d) instruct all trainees, all designated staff members of the Secretariat and all instructors referred to in paragraph i) of Article II to strictly observe the national laws and safety rules applicable in the training sites and facilities;
- e) require that all trainees strictly comply with the Draft OPCW Policy on Confidentiality, which is applied mutatis mutandis by the Commission;
- f) communicate to the Member State in writing and at least 45 days before the starting date(s) referred to in paragraph f) of Article II the names of all the trainees designated by the Secretariat for participation in the training courses/modules;
- g) insure, organise, and finance all trainee travel related to the training course(s);
- h) reimburse the training facilities the costs of all elements for supporting the courses, as mutually agreed between the Secretariat and the facilities, and subject to paragraph 17 of the Understandings between the Host Country and the Preparatory Commission for the OPCW concerning the implementation of paragraphs 6, 7, 9, and 11 of Annex 3 of the Paris Resolution;
- i) provide equipment for training activities, as follows: the Secretariat and the Training Centre will agree on a list of items which will be provided by the Secretariat for training in M1 courses;
- j) organise trainees' timely arrival at the training facilities;
- k) arrange and pay for the trainees' departure from the territory of the Member State after completion of the courses;
- l) arrange and pay for the return of trainees who leave the course before it has concluded, to their normal place of residence as soon as possible;
- m) provide personal medical insurance including evacuation for all trainees and other designated staff members to cover medical assistance provided by the Member State, in accordance with the attached insurance policy; and provide the Member State with a letter of introduction from the insurance company for use by the training facilities;
- n) provide the necessary certification that each candidate meets the medical standards set by the Commission; provide, as necessary, trainees with a personal summary containing relevant medical and health information which may assist host country medical personnel should medical treatment be required. As this information is confidential, it will only be made available in case of need; -

¹⁾ Niet afgedrukt.

- o) provide third party liability insurance coverage for all trainees and other designated staff members with regard to risks and damages related to training activities and to their stay within the territory of the Member State, to the extent that there has been negligence on their part, in accordance with the attached policy;
- p) provide guidelines for performance evaluation and reporting formats for inspection reports;
- q) provide instructors if requested by the Member State and if available;
- r) provide inspection manuals, guidelines for inspection procedures and all available Commission materials necessary for the successful completion of the courses;
- s) organise and finance the stay of designated staff members of the Secretariat and of instructors to the training facilities;
- t) serve as a contact point for trainees' families in the event of an emergency.

Article IV

Issues of liability of the Commission will be governed by article 3 of the Headquarters Agreement.

Article V

- a) The Commission will not be held liable for any breach of confidentiality committed by trainees, designated staff members of the Secretariat and instructors as referred to in paragraph i) of Article II.
- b) Any case of breach of confidentiality committed by trainees, designated staff members of the Secretariat or instructors as referred to in paragraph i) of Article II will be governed by article 17 of the Headquarters Agreement.

Article VI

It is understood by both Parties that the content of this Agreement and the attached annexes shall in no respect create a precedent as regards the Organisation for the Prohibition of Chemical Weapons.

Article VII

Any dispute between the Parties will be settled in accordance with the provisions of Article 18 of the Headquarters Agreement.

Article VIII

This Agreement shall enter into force retroactively on 4 January 1997. Its duration shall be limited to the life of the Commission and shall, in any case, not exceed a maximum of one year.

DONE at The Hague on 16th January 1997 in two copies in the English language.

For the Kingdom of the Netherlands

(sd.) F. A. M. MAJOOR

For the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons

(sd.) I. KENYON

D. PARLEMENT

Het Verdrag behoefde ingevolge artikel 7, onderdeel c, niet de goedkeuring der Staten-Generaal alvorens het Koninkrijk aan het Verdrag kon worden gebonden.

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel VIII in werking getreden op 16 januari 1997, met terugwerkende kracht vanaf 4 januari 1997.

J. GEGEVENS

De Organisatie voor het verbod van chemische wapens is ingesteld bij het op 13 januari 1993 te Parijs tot stand gekomen Verdrag tot verbod van de ontwikkeling, de productie, de aanleg van voorraden en het gebruik van chemische wapens en inzake de vernietiging van deze wapens. Tekst en vertaling van dat Verdrag zijn geplaatst in *Trb.* 1993, 162.

Van het op 8 december 1993 te 's-Gravenhage tot stand gekomen Verdrag tussen het Koninkrijk der Nederlanden en de Voorbereidende Commissie voor de Organisatie voor het verbod van chemische wapens betreffende de zetel van de Commissie, naar welk Verdrag onder meer in artikel I wordt verwezen, zijn de Nederlandse, Engelse en Franse tekst geplaatst in *Trb.* 1994, 22; zie ook *Trb.* 1994, 67.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse

Zaken bepaald dat het Verdrag in Nederland zal zijn bekendgemaakt op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *twintigste* februari 1997.

De Minister van Buitenlandse Zaken,

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