

12 (1980) Nr. 9

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1998 Nr. 113

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

Zie *Trb.* 1980, 109.

D. PARLEMENT

Zie *Trb.* 1981, 120 en, laatstelijk, *Trb.* 1996, 336.

De in rubriek J van *Trb.* 1996, 182 en 336 afgedrukte administratieve akkoorden van 27 juni, 4 september, 3 november 1995 en 22 augustus 1996 zijn bij brieven van 26 mei 1997 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.* 1981, 120.

J. GEGEVENS

Zie *Trb.* 1984, 21, *Trb.* 1993, 181, *Trb.* 1994, 199, *Trb.* 1995, 122 en *Trb.* 1996, 182 en 336.

Ter uitvoering van artikel I van de onderhavige Overeenkomst is op 24 november 1997 te Nairobi tussen de bevoegde wederzijdse autoriteiten een administratief akkoord tot stand gekomen inzake een project betreffende de verzameling en bewerking van grondwatergegevens, vijfde fase¹⁾. De tekst van het 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 of Finance, being the Competent Kenyan Authority for the purpose of this Administrative Arrangement, hereinafter referred to as “the Kenyan Party”, represented in this matter by the Permanent Secretary,

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 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 in joint responsibility carry out a project, to be known as the “Water Resources Assessment and Planning Programme, Phase V (WRAP V)” (Netherlands activity number KEO 16301), hereinafter referred to as “the Project”.

2. The aim of the Project is to assist the Ministry of Land Reclamation, Regional and Water Development (MLRRWD) in attaining sustainable water resources management.

3. This aim shall be pursued by provision of technical assistance and of funds, i.e.:

- the formulation of the District Water Resources Development Plans for Nakuru, Keiyo, Marakwet, Laikipia and Turkana;
- supporting the Ministry of Land Reclamation, Regional and Water Development in developing tools for sustainable water resources management.

4. The cooperation between the two Parties is planned to last for a period of 3,5 years.

¹⁾ Voor de vierde fase zie *Trb.* 1993, 181, blz. 2.

Article II

The Netherlands Contribution

1. The Netherlands Party shall make the following contribution to the Project:
 - Technical Assistance staff (amongst others the Chief Technical Advisor);
 - equipment;
 - training facilities;
 - funds.
2. The total value of the Netherlands contribution to the Project is estimated at the amount of NLG 6,788,000.–.

Article III

The Kenyan Contribution

1. The Kenyan Party shall make the following contribution to the Project:
 - salaries of the staff of the Government of Kenya;
 - development funds;
 - follow-up of project activities.
2. The total value of the Kenyan contribution is estimated at the amount of KES 34,320,000.–.

Article IV

The Executive Authorities

1. The Netherlands Party shall appoint the Royal Netherlands Embassy in Nairobi, Kenya, as the Netherlands Executive Authority in charge of the implementation of the Project.

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 Chief Technical Advisor. The Chief Technical Advisor 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 Ministry of Land Reclamation, Regional and Water Development 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 Kenyan Project Manager appointed by the Director of Water Development of the Ministry of Land Reclamation, Regional and Water Development. The

Project Manager shall act in close cooperation with the Netherlands Executive Authority and its representative and will respect the operational instructions given by the said Authority to the Chief Technical Advisor.

Article V

Delegation

Each of the Executive Authorities, mentioned in Article IV, shall 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

Responsibilities Project Manager/Chief Technical Advisor

1. The Project Manager and the Chief Technical Advisor have a joint responsibility in the decision-making regarding activities to be financed out of either contribution.

2. The Project Manager shall be responsible to the Kenyan Executive Authority for the correct implementation and financial management of the Kenyan contribution to the Project. The Project Manager will account for these aspects in the reports referred to in Article X.

3. The Chief Technical Advisor shall be responsible to the Netherlands Executive Authority for the correct implementation and financial management of the Netherlands contribution to the Project. The Chief Technical Advisor will account for these aspects in the reports referred to in Article X.

Article VII

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.

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 Articles 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 shall be transferred to the Government of Kenya, unless otherwise agreed between the Executive Authorities.

Article X

Reporting

The Project Manager and the Chief Technical Advisor shall submit to the Executive Authorities joint bi-annual reports in English on the progress made on the implementation of the Project as well as separate quarterly financial reports giving details regarding the spending of either financial contribution. On 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 as well as a final financial report giving details regarding the spending of either financial contribution to the Project.

Article XI

Review

1. In March 1998 a review will be held. Thereafter reviews/evaluations will be scheduled by the Executive Authorities.
2. The composition of the review 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 from 1 July 1996, 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 24 November 1997 in two originals in English

For the Netherlands Minister for Development Cooperation

(sd.) R. J. TREFFERS

R. J. Treffers
Ambassador

For the Kenyan Minister of Finance

(sd.) S. S. LESRIMA

S. S. Lesrima
Permanent Secretary

Het akkoord is ingevolge zijn artikel XIII op 24 november 1997 in werking getreden, met terugwerkende kracht vanaf 1 juli 1996.

Uitgegeven de *dertiende* mei 1998.

De Minister van Buitenlandse Zaken,

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