

23 (1998) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1998 Nr. 204

A. TITEL

*Gastheerland-verdrag tussen de Regering van het Koninkrijk der Nederlanden en het Milieuprogramma van de Verenigde Naties betreffende de regelingen voor de Conferentie van Gevolmachtigden voor de aanneming en ondertekening van het Verdrag inzake de procedure betreffende de vooraf meegedeelde instemming met betrekking tot bepaalde gevaarlijke chemische stoffen en pesticiden in de internationale handel, in Rotterdam, Nederland, op 10 en 11 september 1998, met Bijlagen;
Nairobi, 7 juli/14 juli 1998*

B. TEKST

Host Government Agreement between the Government of the Kingdom of the Netherlands and the United Nations Environment Programme regarding the Arrangements for the Conference of Plenipotentiaries for the Adoption and Signing of the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Rotterdam, The Netherlands, 10–11 september 1998

Whereas the United Nations Environment Programme (hereinafter referred to as UNEP) has accepted the invitation of the Government of the Kingdom of the Netherlands (hereinafter referred to as the Government), to hold the Conference of Plenipotentiaries for the Adoption and Signing of The Convention on The Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter referred to as the Conference) in Rotterdam, The Netherlands.

Now therefore, UNEP and the Government agree as follows:

Article I

Date and place of the Conference

The Conference shall be held in The World Trade Center, Beursplein 37, 3011 AA Rotterdam, The Netherlands, from 10 to 11 September 1998.

Article II

Attendance at the Conference

1. The participants in the Conference shall be invited by the Executive Director of UNEP, jointly with the Director-General of the Food and Agriculture Organization of the United Nations (FAO), and shall include:

- a) Representatives of States;
- b) Organizations that have received standing invitations from UNEP and FAO to participate in the Conference in the capacity of observers;
- c) Specialized and related agencies of the United Nations;
- d) Other intergovernmental organizations;
- e) Intergovernmental organs of the United Nations;
- f) Non-governmental organizations;
- g) The UNEP Secretariat;
- h) The FAO Secretariat;
- i) Other persons invited by UNEP and FAO.

2. The Executive Director of UNEP shall designate the officials of UNEP assigned to attend the Conference for the purpose of servicing it. The officials of FAO and UNON may attend the Conference for the same purpose.

3. The Conference shall be open to representatives of information media accredited by UNEP or FAO at its discretion after consultation with the Government.

Article III

Premises, equipment and supplies

1. The Government shall provide, for the duration of the Conference, the necessary premises, including office space, working areas and other related facilities, as specified in Annex A hereto. The Government shall at its expense furnish, equip and maintain in good repair all these premises and facilities in a manner that UNEP considers adequate for the effective conduct of the Conference. The Conference room shall be equipped for reciprocal simultaneous interpretation between six languages, and for sound recording from the floor to the extent required by

UNEP. The premises shall remain at the disposal of UNEP 24 hours a day from 2 days prior to the Conference until a maximum of 1 day after its closure.

2. The Government shall provide, if possible within the conference area, a bank, post office, telephone, telefax facilities, as well as appropriate eating facilities sufficient for the number of delegates and conference staff, a travel agency and a first aid centre.

3. The Government shall bear the cost of all necessary utility services, incurred as a result of the Conference including local telephone communications, of the secretariat of the Conference and its communications by telefax, telephone or electronic mail with UNEP Headquarters in Nairobi and FAO Headquarters in Rome, when such communications are authorized by or on behalf of the Secretary of the Conference.

4. The Government shall bear the cost of transport and insurance charges, from the United Nations Environment Programme Headquarters in Nairobi and, as necessary, FAO Headquarters in Rome to the sites of the Conference and return, of UNEP and FAO equipment and supplies required for the adequate functioning of the Conference. UNEP shall determine the mode of shipment of such equipment and supplies having regard to the need for economy but with first regard to the needs of the Conference.

Article IV

Accommodation

1. The Government shall ensure that adequate accommodation in hotels or residences is available at reasonable commercial rates for persons participating in or attending the Conference.

Article V

Medical Facilities

1. Medical facilities adequate for first aid in emergencies shall be provided by the Government within the conference area.

2. For serious emergencies, the Government shall ensure immediate transportation and admission to hospital.

Article VI

Transport

1. The Government shall provide transport between the local airport and the conference area and principal hotels for members of the secretariat servicing the Conference upon their arrival and departure.

2. The Government shall ensure the availability of transport for all participants and those attending the Conference between the local airport, the principal hotels and the conference area.

3. The Government shall provide an adequate number of cars with drivers for official use by the principal officers and the secretariat of the Conference, as well as other local transportation as is required by the secretariat in connection with the Conference.

Article VII

Police protection

1. The Government shall furnish such police protection as may be required to ensure the effective functioning of the Conference in an atmosphere of security and tranquility¹⁾ free from interference of any kind. While such police services shall be under the direct supervision and control of a senior officer provided by the Government, this officer shall work in close cooperation with a designated senior official of UNEP.

Article VIII

Local Personnel

1. The Government shall appoint a liaison officer who shall be responsible, in consultation with UNEP, for making and carrying out the administrative and personnel arrangements for the Conference as required under this Agreement.

2. The Government shall recruit and provide an adequate number of local support personnel necessary for the proper functioning of the Conference. The exact requirements in this respect are specified in Annex B hereto. UNEP shall provide the staff, including those arranged with UNON, specified in Annex C hereto.

Article IX

Financial Arrangements

1. The Government, in addition to the financial obligations provided for elsewhere in this Agreement and its attached annexes, shall bear the actual costs directly or indirectly involved in holding the Conference in The Netherlands. Such costs, which are provisionally estimated at approximately US\$ 499,959 shall include, but not be restricted to, the actual costs of travel and staff entitlements of the UNEP and FAO officials assigned to plan for, attend or service the Conference, as well as

¹⁾ lees hier: "tranquillity".

the costs of shipping any necessary equipment and supplies. Arrangements for the travel of officials required to plan for or service the Conference and for the shipment of any necessary equipment and supplies shall be made by the secretariat in accordance with the Staff Regulations and Rules of the United Nations and its related administrative practices regarding travel standards, baggage allowances, subsistence payments and terminal expenses.

2. The Government shall deposit with UNEP the sum of US\$ 474,961, representing 95% of the estimated costs referred to in paragraph 1 above, within two weeks after the date of the entry into force of this Agreement.

3. The deposit required by paragraph 2 shall be paid wholly in United States Dollars, to the credit of the UNEP Trust Funds Account, Account No. 001-1-507001, International Agencies Banking, Chase Manhattan Bank, 270 Park Avenue, New York, NY 10017, USA, indicating the purpose for which the deposit is made. This deposit shall be used only to pay the obligations of UNEP in respect of the Conference.

4. After the Conference, UNEP shall give the Government a detailed set of accounts showing the actual costs incurred by UNEP and to be borne by the Government in accordance with this agreement. These costs shall be expressed in United States Dollars, using the United Nations official rate of exchange at the time the payments are made. The final accounts shall be subject to audit as provided in the Financial Regulations and Rules of the United Nations, and the final adjustment of accounts shall be subject to any observations which may arise from the audit carried out by the United Nations Board of auditors, whose determination shall be accepted as final by both UNEP and the Government. UNEP, on the basis of the final accounts, shall refund within one month after determination of the United Nations Board of Auditors any funds unspent out of the deposit required by paragraph 2 above. In case the actual costs exceed the deposit, the Government shall remit, after approval of any overruns, the outstanding balance within one month after determination from the United Nations Board of Auditors.

Article X

Liability

1. The Government shall be responsible for dealing with any action, claims or other demand against the United Nations or its officials and arising out of:

- a) Injury to persons or damage to or loss of property in the premises referred to in article III that are provided by the Government;
- b) Injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in article VI that are provided by the Government;

c) The employment for the Conference of personnel provided by the Government under article VIII.

2. The Government shall indemnify and hold harmless the United Nations and its officials in respect of any such action, claim or other demand, except where it is agreed by the Secretary-General of the United Nations and the Government that such claims arise from gross negligence or willful misconduct of such persons.

Article XI

Privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946 (hereinafter referred to as the Convention), to which The Netherlands is a party, shall be applicable to the Conference. The representatives of States referred to in article II, paragraph 1 a) above, shall enjoy the privileges and immunities under article IV of the Convention, the officials of the United Nations performing functions in connection with the Conference referred to in article II paragraphs 1 g) and 2, above, shall enjoy the privileges and immunities provided under articles V and VII of the Convention and any experts on mission for the United Nations in connection with the Conference shall enjoy the privileges and immunities provided under articles VI and VII of the Convention.

2. The representatives or observers referred to in article II paragraph 1, subparagraphs b), d), e), f) and i), above shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in connection with their participation in the Conference.

3. The personnel provided by the Government under article VIII, above, 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 Conference.

4. The representatives of the specialized or related agencies, including the officials of the FAO Secretariat, referred to in article II paragraph 1, subparagraphs c) and h) and paragraph 2, above, shall enjoy the privileges and immunities provided by the Convention on the Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of the International Atomic Energy Agency, as appropriate.

5. Without prejudice to the preceding paragraphs, all persons performing functions in connection with the Conference, including those referred to in article VIII and all those invited to the Conference shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the Conference.

6. Any visas required for persons referred to in Article II shall be granted as speedily as possible and free of charge.

7. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the Conference premises specified in Article III, paragraph 1, above, shall be deemed to constitute premises of the United Nations in the sense of section 3 of the Convention and access thereto shall be subject to the authority and control of the United Nations. The premises shall be inviolable for the duration of the Conference, including the preparatory stage and the winding-up.

8. The Government shall allow the temporary importation, tax-free and duty-free, of all equipment, including technical equipment accompanying representatives of information media, and shall waive import duties and taxes on supplies and equipment necessary for the Conference. It shall issue without delay any necessary import and export permits for this purpose.

Article XII

Settlement of Disputes

1. Any dispute between the United Nations and the Government concerning the interpretation or application of this Agreement that is not settled by negotiation or other agreed mode of settlement shall be referred at the request of either party to a tribunal of three arbitrators, one to be named by the Secretary-General of the United Nations, one to be named by the Government and the third, who shall be the chairman, to be chosen by the first two. If either party fails to appoint an arbitrator within 60 days of the appointment by the other party, or if the first two arbitrators should fail to agree on the third arbitrator within 60 days of the appointment of the second of them, the President of the International Court of Justice may make any necessary appointments at the request of either party. However, any such dispute that involves a question regulated by the Convention on the Privileges and Immunities of the United Nations or any other applicable agreement shall be dealt with in accordance with the Convention or agreement in question. 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.

Article XIII

Final provisions

1. This Agreement may be modified by written agreement between UNEP and the Government.

2. This agreement shall enter into force immediately upon signature by the Parties and shall remain in force for the duration of the Conference and for such time thereafter as is necessary for all matters relating to any of its provisions to be settled, the total duration of this agreement however not to exceed one year.

SIGNED

Permanent Representative for the Government of the Kingdom of The Netherlands

(sd.) R. J. TREFFERS

Date: 14-07-1998

SIGNED

Klaus Töpfer
Executive Director
United Nations Environment Programme

(sd.) KLAUS TÖPFER

Date: 7 July 1998

Annex A

Premises, Equipment, Utilities & Supplies

1. *Conference Rooms*

- 1 Conference room with adequate shelving to store and lay out documents for a period of 2 working days for a maximum of 650 people, equipped with reciprocal simultaneous interpretation equipment between six languages, which conforms to the standards set by the Association of International Conference Interpreters (AIIC). Access to this room will be required 1 day before the Conference in order to prepare it.
- Tape-recording equipment and cassettes needed to record the Conference proceedings;
- 3 rooms for approximately 80–100 people with microphones, for group Conferences;
- 3 rooms for approximately 30–50 people for group Conferences;
- 1 room for approximately 15 people for the Bureau of the Committee;

- an open area close to the Conference rooms equipped with two tables or desks and one set of shelves, to be used for the registration of participants.
- an open area next to the main conference room equipped with tables to be used for exhibition of information material from IGO's and NGO's.

2. Conference Room Requirements

- Unlined pads (A5 size)
- Pencils (with rubber tips)
- Water jugs
- Glasses
- Gavel for podium

3. Offices and Equipment

Offices from 9–12 September 1998, as follows:

For the UNEP/FAO Secretariat Staff:

- 1 for the Executive Director of UNEP, VIP, w. meetings table and chairs, 1 international telephone line.
 - 1 for the Director-General of FAO, VIP, w. meetings table and chairs, 1 international telephone line.
 - 1 for the D-G's secretary. 1 international telephone line, 1 PC.
 - 1 for the Assistant Director-General of FAO, VIP – 1 international telephone line.
 - 1 for the Director of UNEP Chemicals. 1 international telephone line, 1 PC.
 - 1 for UNEP Secretariat staff. 2 desks, 2 international telephone lines, 1 fax, 2 PC's
 - 1 for FAO Chief and staff. 2 desks, 2 international telephone lines, 2 PC's
 - 1 for UNEP Legal Staff. 2 desks, 2 international telephone lines, 1 PC.
 - 1 for FAO Legal Staff, 2 desks, 2 international telephone lines, 1 PC.
 - 1 for the Finance Officer, 1 international telephone line, 1 PC.
 - 1 for the Press Officer. 1 international telephone line, 1 PC.
- All PC's for the Secretariat to be networked with full Internet access (including individual e-mail accounts) and 2 networked printers (8 pages/min). Software as specified in Table 1.

Officers of the Conference:

- 1 for the President. VIP, 1 international telephone line.
- 1 for the Rapporteur. 1 international telephone line

Delegates:

1 large room, w. 4 desks, 4 PC's with printer(s) and full Internet access

Conference Service Staff:

These offices will be needed from 8–12 September 1998 and equipped as specified in Table 1.

- 1 for the Conference Coordinator and the Conference Officer
- 1 for the Documents Control Officers (2 people).
- 1 for the editors (2 people).
- 1 for the typists (2 people).
- 1 for the Remote Translation Officer.

Other Equipment:

2 heavy duty photocopying machines equipped with sorters, staplers and suitable for high-volume and high-speed document reproduction in a large room

3 small photocopying machines

The requirements for communication equipment are summarized and specified in the consolidated list of computer and communications equipment, attached as Table I to this Annex.

4. Remote Translation Equipment

Following is a detailed explanation of hardware and software requirements for remote translation. This comprises transmission and printing of documents exchanged between the Conference Services team at the venue of the Conference and the team in Nairobi. The detailed list of requirements is attached as Table 1 to this Annex.

It is essential that the host appoint specific persons that will be responsible for communications before the Conference and that will give 24-hour support to Conference Services during the Conference. These are, normally, the Local Area Network Administrator or a company with similar functions.

Type of communications

Documents are to be transmitted via Internet using FTP (File Transfer Protocol). This requires the establishment of two FTP sites (directories in Internet computers): one in Nairobi at UNON, and another at the venue of the Conference. The best option for the second is a UNIX computer at the conference facilities, connected to the Internet. If that is not possible, then the FTP site will have to be provided by a local Internet service provider that can assign an FTP site for the exclusive use of Conference Services.

Ease and speed of access to this FTP site are crucial for the success of communications to service the Conference. Therefore, communications must be tested for *two weeks before the Conference* begins. During these two weeks Conference Services and the Network Administrator (or person responsible for Internet communications) at the venue of the Conference will exchange files containing documents in the languages of the Conference and test alternative means of communications.

As a back up to Internet communications we use a modem with Eudora software, which permits the team at the venue to access the UNIX server in Nairobi. UUCP facilities – if available – will allow the same type of access.

E-mail is used mostly for messages, as it is unreliable for sending large files promptly.

As a third back up, we use a high-speed fax.

Communications network

The computers and printers used for communications must be interconnected as a network. If that is not possible, then both communications computers must have full Internet access and one modem and telephone line each.

This small network must be connected to the English Pool network specified in Table I.

5. Other Facilities in the Conference Area

- Telephone and telefax facilities for use, on commercial basis, by the delegates and the information media during the Conference;
- Banking facilities;
- Post Office;
- Travel Agency;
- Cafeteria facilities to be used by delegates and staff and which will provide snacks to the conference staff working late at night;
- First-aid Station.

Annex B

Staff to be provided free of charge by the Government of The Netherlands

- 1 liaison officer responsible for organizational arrangements of the Conference;
- 4 registration staff (English/French) with good knowledge of Microsoft Access 2.0, for the duration of the Conference as well as one day prior to the Conference, to work under the supervision of the Registration Supervisor;

- 2 messengers for the duration of the Conference as well as one day prior to the Conference and one day after the Conference;
- 2 conference room attendants (English/French) for the duration of the Conference as well as one day prior to the Conference;
- 3 document distribution clerks for the duration of the Conference as well as one day prior to the Conference;
- an adequate number of staff to operate the photocopiers and assist with the collation of documents for the duration of the Conference as well as one day prior to the Conference;
- adequate personnel to operate the simultaneous interpretation and tape-recording equipment for the duration of the Conference;
- cleaners and other personnel required for the proper functioning of the Conference;
- computer support staff

NB: Local staff is requested to attend a briefing session during the afternoon on 8 September 1998.

Annex C

Staff to be provided by UNEP

- 14 Interpreters (Arabic (3), Chinese (3), English (2), French (2), Russian (2), Spanish (2) for the duration of the Conference;
- 1 Conference Coordinator;
- 2 English Editors/Report Writers;
- 2 English Conference Typists;
- 1 Conference Officer;
- 1 Remote Translation Officer;
- 1 Registration Desk Supervisor;
- 1 Documents Control Supervisor;
- 1 Documents Control Assistant;
- 1 Finance Officer;
- 1 Information Officer.

Annex D

		US\$
10	PROJECT PERSONNEL COMPONENT	
	1300 Administrative support	
	1310 Conference Service (salaries, DSA, travel)	42,010
	1320 Report writers & typists (salaries, DSA, travel)	7,762

		US\$
	1330 Interpretation (34) (salaries, DSA, travel)	38,633
	1340 Free-lance report writers & typists, (salaries, DSA, travel)	4,316
	1350 Overtime (Nairobi staff)	2,000
	1360 Exploratory Missions	7,966
	1327 Local staff	
	1399 Total, administrative support	102,687
	1600 Official travel of Secretariat staff	
	1601 Travel and DSA	22,436
1999	Total	125,123
30	TRAINING COMPONENT	
	3300 Meetings/Conferences	
	3301 Participants travels and DSA*	245,350
50	MISCELLANEOUS COMPONENT	
	5200 Reporting costs	
	5201 Pre-session documentation	20,880
	5202 In-session translation	16,800
	5201 Post-session documentation	5,220
	5299 Total, reporting costs	42,900
	5300 Sundry	
	5301 Communications	2,500
	5302 Shipment of equipment and documents	2,500
	5303 Transport costs (Nairobi staff on night shift)	3,000
	5399 Total, sundry	8,000
5999	Total	50,900
	SUBTOTAL PROJECT COST	421,373
	Contingencies 5%	21,069
	TOTAL PROJECT COST	442,442
60	UN PROGRAMME SUPPORT COSTS 13%	57,517
99	GRAND TOTAL	499,959
	Previous Budget	
	Increase/(decrease)	

* The participation of one representative from all DAC-1 and Eastern European countries with the financial limit mentioned in the budget. Qualifying participants will be provided with an class ticket. Except if the representative is of ministerial level, then business class can be paid.

D. PARLEMENT

Het Verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring der Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel XIII, tweede lid, op 14 juli 1998 in werking getreden.

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

J. GEGEVENS

De Organisatie van de Verenigde Naties is opgericht bij het op 26 juni 1945 te San Francisco tot stand gekomen Handvest van de Verenigde Naties, van welk Handvest de Engelse en Franse tekst, zoals gewijzigd, zijn geplaatst in *Trb.* 1979, 37. De herziene vertaling is geplaatst in *Trb.* 1987, 113; zie ook, laatstelijk, *Trb.* 1998, 145.

Van het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationaal Gerechtshof – naar de Secretaris-Generaal van het Hof wordt in artikel XII van het onderhavige Verdrag verwezen – is de tekst geplaatst in *Trb.* 1971, 55 en een herziene vertaling in *Trb.* 1987, 114; zie ook, laatstelijk, *Trb.* 1997, 106.

De Voedsel- en Landbouworganisatie van de Verenigde Naties is opgericht bij een op 16 oktober 1945 te Quebec tot stand gekomen Statuut, van welk Statuut de Engelse tekst, zoals thans van kracht, is geplaatst in *Trb.* 1996, 341. De vertaling van het oorspronkelijke Statuut, met Bijlagen I en II, is bij Koninklijk Besluit van 1 maart 1948 bekendgemaakt in *Stb.* I 77.

Van het op 13 februari 1946 te Londen tot stand gekomen Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties, naar welk Verdrag onder meer in artikel XI, eerste lid, van het onderhavige Verdrag wordt verwezen, zijn tekst en vertaling bij Koninklijk besluit van 31 mei 1948 bekendgemaakt 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 in artikel XI, vierde lid, van het onderhavige Verdrag wordt verwezen, zijn tekst en vertaling bij Koninklijk besluit van 11 februari 1949 bekendgemaakt in *Stb.* J 67; zie ook, laatstelijk, *Trb.* 1994, 211.

Van de op 1 juli 1959 te Wenen tot stand gekomen Overeenkomst inzake de voorrechten en immuniteiten van de Internationale Organisa-

tie voor Atoomenergie, naar welke Overeenkomst in artikel XI, vierde lid, van het onderhavige Verdrag wordt verwezen, is de tekst geplaatst in *Trb.* 1965, 49; zie ook *Trb.* 1971, 57.

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

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het Verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *achttiende* augustus 1998.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN