

9 (1965) Nr. 24

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1998 Nr. 281

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.* 1998, 212.

De in rubriek J van *Trb.* 1997, 100 en 310 en *Trb.* 1998, 109 en 212 afgedrukte administratieve akkoorden van respectievelijk 4 februari, 14 maart, 10 juni, 31 juli, 1 en 5 september 1997 en 20 februari en 2 juni 1998 zijn bij brieven van 30 oktober 1998 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, *Trb.* 1994, 197 en 241, *Trb.* 1995, 275, *Trb.* 1997, 100 en 310 en *Trb.* 1998, 109 en 212.

Ter uitvoering van artikel 3 van de onderhavige Overeenkomst is te Dar es Salaam tussen de bevoegde wederzijdse autoriteiten tot stand gekomen en op 24 juli 1998 ondertekend een administratief akkoord inzake het project ter versterking van de kwaliteit van en de toegankelijkheid tot lager onderwijs. 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 Minister for 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 co-operation 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 “Technical Assistance to District Based Support to Primary Education Programme”, hereinafter referred to as “the Project”.
2. The general aim of the Project is to improve the quality and access to primary education.
3. The aim shall be pursued by the provision of technical assistance in the form of international experts, backtopping, monitoring, evaluation and auditing.
4. The provision of financial assistance to the development programmes of the districts concerned is agreed upon between both parties in a separate grant agreement ref. TZ014003.

5. The aforesaid cooperation between the two Parties is planned to last 48 months, from January 1st, 1998 till December 31, 2001.

Article II

The Netherlands Contribution

1. The Netherlands Party shall make the following contribution to the Project:
 - a. Provide two international experts for the zonal level.
 - b. Provide 6 monthly backstopping and monitoring.
 - c. Provide an annual review except in the year an evaluation will be carried out.
 - d. Provide an annual audit together with the other donors involved in the Project.
 - e. Provide one evaluation in the 3rd. year of execution.
2. The total value of the above mentioned Netherlands contribution shall not exceed the amount of NLG 3.620.000,-.

Article III

The Tanzanian Contribution

The Tanzanian Party shall provide the salaries of all teachers involved, staff emoluments, office accommodation at headquarters and in zones and districts, the land for the construction of Teacher Resource Centres and schools. The communities will provide local materials and labour.

Article IV

The Executive Authorities

1. The Netherlands Party shall appoint the Royal Netherlands Embassy in Dar es Salaam as the Netherlands Executive Authority in charge of the Project.
2. The Tanzanian Party shall appoint the Ministry of Education and Culture as the Tanzanian Executive Authority in charge of the implementation of the Project.

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

Advisors and Coordinators

1. The two zonal experts assigned by the Netherlands Party will be responsible to advise on the quality and implementation of the DBSPE and the Netherlands grants received in the assigned areas, support the districts in relevant project matters giving technical assistance and liaise with the relevant district and national authorities.

2. The experts will 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 zonal experts 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 District Rolling Plans and Forward Budgets and Plans of Operations which will indicate in detail:

- the contributions of either Party;
- the number of the Tanzanian staff, their duties and their job descriptions and terms of reference for deployment of (short-term) technical advisors or institutions;
- a time-table of implementation of programmes and activities;
- a description of the equipment and materials to be made available;
- the monitoring and evaluation of the Project.

2. The management contracts with the District Councils and 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 prompt 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 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, provided that such liability is not attributable to wilful misconduct or gross negligence on the part of the Netherlands Party or the individual concerned.

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 extracontractual 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 legal assistance needed for a satisfactory settlement of such problems as may arise in connection with the application of paragraphs 3(a) and 3(b) 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 cooperation between the two Parties on the Project will be terminated.

Article X

Reporting

The Netherlands zonal experts will 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 zonal experts will 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 on the date of its signature, with retroactive effect to January 1st, 1998 and shall expire at the end of the period mentioned in Article I, paragraph 5, 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 24/7/1998 in two originals in the English language.

For the Netherlands Minister for Development Cooperation

(sd.) S. LEENSTRA

S. Leenstra
Ambassador

For the Minister for Finance of the United Republic of Tanzania

(sd.) R. MOLLEL

R. Mollel
Principal Secretary

Het akkoord is ingevolge zijn artikel XII op 24 juli 1998 in werking getreden met terugwerkende kracht tot 1 januari 1998.

Uitgegeven de *achttiende* december 1998.

De Minister van Buitenlandse Zaken,

J. J. VAN AARTSEN