

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 1999 Nr. 153**

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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.* 1998, 113.

Het in rubriek J van *Trb.* 1998, 113 afgedrukte administratief akkoord van 24 november 1997 is bij brieven van 3 november 1998 ter kennis van de Eerste en de Tweede Kamer der 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, *Trb.* 1996, 182 en 336 en *Trb.* 1998, 113.

Ter uitvoering van artikel I van de onderhavige Overeenkomst is op 5 maart 1998 te Nairobi tussen de bevoegde wederzijdse autoriteiten een administratief akkoord tot stand gekomen inzake het Project „Environmental and Urban Development Training Project II (EUDTP II)”. 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 jointly carry out a project, to be known as the “Environmental and Urban Development Training Project II (EUDTP II)” (Netherlands activity number KE004603), hereinafter referred to as “the Project”.

2. The aim of the Project is to ensure a sustainable integration of environmental considerations in development planning for Kenyan cities and towns through the establishment of adequate institutional and human capacity for urban environmental management and planning in all relevant institutions, agencies and stakeholders, allowing for a gender-sensitive and broad-based community participation.

3. This aim shall be pursued by training, technical assistance, production of training materials and development funds.

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

## Article II

*The Netherlands Contribution*

1. The Netherlands Party shall contribute funds for technical assistance and execution of the Project.
2. The total value of the Netherlands contribution to the Project is estimated at the amount of NLG 4,800,000.– plus NLG 80,000.– for (a(n)) review(s)/evaluation(s).

## Article III

*The Kenyan Contribution*

1. The Kenyan Party shall make the following contribution to the Project:
  - salaries of necessary local personnel;
  - logistical support and
  - operational costs of the environmental units.
2. The total value of the Kenyan contribution is summed up in annex 1<sup>1)</sup> and estimated at the amount of KES 13,082,320.–, broken down as follows: Ministry of Local Government KES 3,432,620.–; Directorate of Personnel Management: KES 6,829,500.–; Ministry of Lands and Urban Development: KES 2,820,200.–.

## 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 Technical Expert. The Technical Expert 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 Local Government 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 Director of the Department of Urban Development of the Ministry of Local

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<sup>1)</sup> Niet afgedrukt.

Government who will be the Kenyan Project Manager. 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 Technical Expert.

#### 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 Technical Expert/Project Manager*

1. The Project Manager and the Technical Expert 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 Technical Expert shall be responsible to the Netherlands Executive Authority for the correct implementation and financial management of the Netherlands contribution to the Project. The Technical Expert 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 as laid down in annex II<sup>1)</sup> shall form an integral part of this Administrative Arrangement.

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<sup>1)</sup> Zie noot 1 op blz. 3.

## 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 Technical Expert shall submit to the Executive Authorities joint six-monthly 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 the details regarding the spending of either financial contribution to the Project.

## Article XI

*Review*

1. At the end of the second year of the Project implementation 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 15th 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 5 March 1998 in two originals in English.

*For the Netherlands Minister for Development Cooperation*

(sd.) R. J. TREFFERS

R. J. Treffers  
Ambassador

*For the Kenyan Minister for Finance*

(sd.) MARGARET K. CHEMENGICH

Margaret K. Chemengich  
Permanent Secretary

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Het akkoord is ingevolge zijn artikel XIII op 5 maart 1998 in werking getreden, met terugwerkende kracht vanaf 15 juli 1996.

Uitgegeven de *twintigste* augustus 1999.

*De Minister van Buitenlandse Zaken,*

J. J. VAN AARTSEN