

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 306

A. TITEL

Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en de African Management Services Company betreffende privileges en immunities van het personeel van de African Management Services Company en hun gezinsleden; 's-Gravenhage/Amsterdam, 22 november/7 december 2005

B. TEKST

Nr. I

TREATIES DIVISION
DJZ/VE-1032/05

The Hague, 22 November 2005

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the African Management Services Company and, with reference to the Treaty between the Kingdom of the Netherlands and the International Finance Corporation (IFC) concerning the African Training and Management Services (ATMS) Project of the United Nations Development Programme of 13 April 1989 and to the Cabinet Decision of 22 April 2005 on the Policy Framework on Attracting and Hosting International Organisations, has the honour to propose the following in respect of the privileges and immunities of the staff of the African Management Services Company:

1. Use of terms

For the purpose of this Agreement:

- a. "the parties" means the African Management Services Company and the host State;
- b. "the Organisation" means the African Management Services Company;

- c. “the host State” means the Kingdom of the Netherlands;
- d. “the Vienna Convention” means the Vienna Convention on Diplomatic Relations of 18 April 1961.

2. Privileges and immunities

a. The Head of the Organisation, together with members of his family forming part of his household, shall enjoy the same privileges and immunities as the host State accords to heads of diplomatic missions accredited to the host State in accordance with the Vienna Convention.

b. The highest ranking staff of the Organisation, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to diplomatic agents of the diplomatic missions established in the host State in accordance with the Vienna Convention.

c. Administrative and technical staff of the Organisation, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to administrative and technical staff of the diplomatic missions established in the host State in accordance with the Vienna Convention, provided that immunity from criminal jurisdiction and personal inviolability shall not extend to acts performed outside the course of their official duties.

d. Service staff of the Organisation, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to service staff of the diplomatic missions established in the host State in accordance with the Vienna Convention.

3. Determination of categories

The host State shall, in cooperation with the Organisation, determine which categories of personnel will be covered by each of the four groups as laid down in paragraph 2 of this Agreement.

4. Scope of the Agreement

a. This Agreement does not apply to persons who are nationals or permanent residents of the host State.

b. This Agreement shall not detract from any existing arrangements in the Headquarters Agreement or other bilateral or multilateral agreements.

c. This agreement shall not extend to issues concerning admission and residence.

If this proposal is acceptable to the African Management Services Company, the Ministry proposes that this Note and the African Management Services Company's affirmative reply to it shall together constitute an Agreement between the Kingdom of the Netherlands and the African Management Services Company. This Agreement shall enter into force on 1 January 2006.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the African Management Services Company the assurances of its highest consideration.

The African Management Services Company
Dam 5B, unit E
1012 JS Amsterdam

Nr. II

AFRICAN MANAGEMENT SERVICES COMPANY

Amsterdam, 7 December 2005

The African Management Services Company presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to acknowledge receipt of the Ministry's Note DJZ/VE-1032/05 of 22 November 2005, which reads as follows:

(zoals in Nota Nr. I)

The African Management Services Company has the honour to inform the Ministry of Foreign Affairs that the proposal is acceptable to the African Management Services Company. The African Management Services Company accordingly agrees that the Ministry's Note and this reply shall constitute an Agreement between the African Management Services Company and the Kingdom of the Netherlands, which shall enter into force on 1 January 2006.

The African Management Services Company avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

Ministry of Foreign Affairs
The Hague

D. PARLEMENT

Het in de nota's vervatte verdrag heeft ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen juncto artikel 3 van de Wet van 24 december 1947 (*Stb.* 452) niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge de één na laatste alinea van beide nota's in werking getreden op 1 januari 2006.

Wat het Koninkrijk der Nederlanden betreft, geldt het in de nota's vervatte verdrag alleen voor Nederland.

J. VERWIJZINGEN

- Titel : Verdrag tussen het Koninkrijk der Nederlanden en de Internationale Financieringsmaatschappij (IFC) inzake het African Training and Management Services (ATMS) Project van het Ontwikkelingsprogramma van de Verenigde Naties; Amsterdam, 13 april 1989
- Tekst : *Trb.* 1989, 61 (Engels)
- Titel : Verdrag van Wenen inzake diplomatiek verkeer; Wenen, 18 april 1961
- Tekst : *Trb.* 1962, 101 (Engels en Frans)
Trb. 1962, 159 (vertaling)
- Laatste *Trb.* : *Trb.* 1994, 212

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 *twaalfde* december 2005.

De Minister van Buitenlandse Zaken,

B. R. BOT