

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2006 Nr. 90

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A. TITEL

*Overeenkomst inzake technische samenwerking tussen het Koninkrijk der Nederlanden en de Republiek Indonesië; 's-Gravenhage, 3 april 1964*

B. TEKST

De tekst van de Overeenkomst is geplaatst in *Trb.* 1964, 43.

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Ter uitvoering van artikel 3 van de onderhavige Overeenkomst is op 13 maart 2006 te Jakarta tussen de wederzijdse bevoegde autoriteiten tot stand gekomen een administratief akkoord inzake het verschaffen van Nederlandse expertise voor het uitvoeren van studies betreffende kustbescherming, drainage en waarschuwingssystemen. 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, Dr. N. van Dam, and the Rehabilitation and Reconstruction Executing Agency for Aceh and Nias represented in this matter by Dr. Kuntoro Mangkusubroto, being the competent Indonesian Authority for the purpose of this Administrative Arrangement, hereinafter referred to as the “Indonesian Party”,

Having decided to cooperate in the development of an Aceh and Nias Sea Defence, Flood Protection, Refuges and Early Warning Strategy,

Having regard to the provisions of Article 3 of the Agreement concerning Technical Cooperation between the Kingdom of the Netherlands and

the Republic of Indonesia signed at The Hague on April 3, 1964, hereinafter referred to as "the Agreement",

Have agreed as follows:

#### Article I

##### *The Project*

1. The two Parties shall jointly carry out a project, to be known as the "Aceh and Nias Sea Defence, Flood Protection, Refuges and Early Warning Systems Consultancy", hereinafter referred to as "the Project".
2. The aim of the Project is the development of an Aceh and Nias Sea Defence, Flood Protection, Refuges and Early Warning Strategy.
3. The cooperation between the two Parties is planned to last for a period of 30 months.

#### Article II

##### *The Netherlands Contribution*

1. The Netherlands Party shall make the following contribution to the Project: the required funds for the Aceh and Nias Sea Defence, Flood Protection, Refuges and Early Warning Strategy Consultancy.
2. The value of the Netherlands contribution to the implementation of the Project is estimated at the amount of EUR 8 million.

#### Article III

##### *The Indonesian Contribution*

The Indonesian Party shall make the following contribution to the Project:

- Provision of all permits and licenses necessary for the work;
- Base mapping at scale 1:2000 for each of the priority areas;
- Office location. However, the provision and maintenance of a working office is the responsibility of the Consultant;
- Tax exemption for goods and services procured under the contract.

#### Article IV

##### *The Executive Authorities*

1. The Netherlands Party shall appoint the Directorate-General of International Cooperation of the Netherlands Ministry of Foreign Affairs as the Netherlands Executive Authority in charge of the implementation of the Project.

2. The Indonesian Party shall appoint the Rehabilitation and Reconstruction Executing Agency for Aceh and Nias as the Indonesian Executive Authority in charge of the implementation of the Project.

The above mentioned Netherlands Executive Authority shall be represented in Indonesia, as far as the day to day operations of the Project are concerned, by the Netherlands Consultant.

#### 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 the persons or institutions delegated and of the extent of the delegation.

#### Article VI

##### *The Consultant*

The Netherlands Consultant shall be responsible to the Netherlands Executive Authority for the correct implementation of the Netherlands contribution.

The Consultant shall act in close consultation with the Indonesian Executive Authority and respect the operational instructions given by the said Authority to the Indonesian personnel. The Indonesian Executive Authority shall provide the Consultant with any information that may be considered necessary for the execution of the Project and arrange meetings with local government and other authorities as necessary during the course of the Consultant's work.

#### Article VII

##### *The Working Document*

1. The Executive Authorities agree that the Terms of Reference for Consulting Services as well as the approved detailed project proposal and work plan formulated by the Netherlands Consultant, establish a Working Document stating in detail the contract sum, 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

*Status of Netherlands Staff*

The Netherlands staff to this Project shall enjoy the privileges mentioned in Article 4 of the Agreement.

## Article IX

*Status of the Netherlands Equipment and Materials*

The provisions of Article 5 of the Agreement are applicable to the importation and exportation of the Netherlands equipment and materials for the Project.

Upon completion of the project the ownership of the equipment and materials of the project shall be transferred to the Government of Indonesia unless otherwise agreed between the Executive Authorities.

## Article X

*Reporting*

The Netherlands Consultant shall submit to both Executive Authorities quarterly reports in English on the progress made on the execution of the Project. On the termination of the Project the Consultant shall submit to all parties involved a final report in English on all aspects of the work executed in connection with the Project.

## Article XI

*Evaluation*

1. Both Executive Authorities may indicate that an evaluation will be held.
2. The composition of the evaluation missions will be defined jointly by the Executive Authorities.

## Article XII

*Settlement of Disputes*

Any dispute arising out of 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 be provisionally applied from the date of signature.

This Administrative Arrangement shall enter into force with retro-active effect to 1 March 2006 after both Parties have informed each other in writing that the procedures constitutionally required therefor in their respective countries have been complied with.

This Administrative Arrangement shall expire either at the end of the period stated in Article I, paragraph 3, 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 Jakarta on the 13th day of March 2006, in two originals in the English language.

*For the Netherlands Minister for Development Cooperation,*

N. VAN DAM  
Ambassador

*The Rehabilitation and Reconstruction Executing Agency for Aceh and Nias,*

KUNTORO MANGKUSUBROTO  
Director

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C. VERTALING

Zie *Trb.* 1964, 43.

D. PARLEMENT

Zie *Trb.* 1965, 35 en, laatstelijk, *Trb.* 1991, 185.

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Het in rubriek B hierboven afgedrukte administratief akkoord behoeft ingevolge artikel 7, onderdeel b, van de Rijkswet goedkeuring en bekendmaking verdragen, niet de goedkeuring van de Staten-Generaal.

F. VOORLOPIGE TOEPASSING

Het in rubriek B hierboven afgedrukte administratief akkoord wordt ingevolge zijn artikel XIII, eerste lid, voorlopig toegepast vanaf 13 maart 2006.

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

G. INWERKINGTREDING

Zie *Trb.* 1965, 35.

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Het in rubriek B hierboven afgedrukte administratief akkoord zal ingevolge zijn artikel XIII in werking treden nadat beide partijen elkaar er schriftelijk van in kennis hebben gesteld dat aan de grondwettelijk vereiste procedures is voldaan, met dien verstande dat het akkoord terugwerkende kracht zal hebben tot 1 maart 2006.

J. VERWIJZINGEN

Zie voor verwijzingen en overige verdragsgegevens *Trb.* 1964, 43, *Trb.* 1965, 35, *Trb.* 1970, 104 en 139, *Trb.* 1971, 125, *Trb.* 1972, 94, *Trb.* 1973, 44, *Trb.* 1974, 82, *Trb.* 1975, 127, *Trb.* 1976, 67, *Trb.* 1978, 51, *Trb.* 1980, 79, *Trb.* 1981, 119, *Trb.* 1984, 35, *Trb.* 1986, 26, *Trb.* 1987, 4 en 183, *Trb.* 1988, 37 en 161, *Trb.* 1989, 146, *Trb.* 1990, 104, *Trb.* 1991, 20 en 185.

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

Uitgegeven de *zesentwintigste* april 2006.

*De Minister van Buitenlandse Zaken,*

B. R. BOT