

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2009 Nr. 230

A. TITEL

*Briefwisseling houdende een verdrag tussen de Regering van het
Koninkrijk der Nederlanden en de Verenigde Naties inzake een
seminar “Early Warning and Business Cycle Indicators”,
14 – 16 december 2009 te Den Haag;
New York, 23 november 2009*

B. TEKST

Nr. I

UNITED NATIONS
OFFICE OF THE UNDER-SECRETARY-GENERAL
DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS (DESA)
ROOM DC2-2320, 2 UN PLAZA,
NEW YORK, NEW YORK 10017

New York, 12 November 2009

DESA-09/1702

Excellency,

I have the honour to refer to the arrangements concerning the “International Seminar on Early Warning and Business Cycle Indicators” (hereinafter referred to as “the Seminar”). The Seminar will be organized by the United Nations represented by the Department of Economic and Social Affairs (hereinafter referred to as “the United Nations”), and the Government of the Kingdom of the Netherlands represented by Statistics Netherlands (hereinafter referred to as “the Government”). The Seminar will be held at Statistics Netherlands office in The Hague, The Netherlands from 14 to 16 December 2009.

With the present letter, I wish to obtain your Government's acceptance of the following:

1. The Seminar will be attended by the following participants:
 - a) up to 22 participants from developing countries selected by the United Nations;
 - b) local government officials selected by the Government;
 - c) up to 4 officials from the United Nations;
 - d) other participants invited by the United Nations, including representatives of regional and international organizations and the United Nations system.
2. The total number of participants will be approximately 70. The list of participants will be determined by the United Nations in consultation with the Government prior to the holding of the Seminar.
3. The Seminar will be conducted in English.
4. The United Nations will be responsible for:
 - a) planning and running of the Seminar and the preparation of the appropriate documentation;
 - b) invitations as well as the selection of participants as specified in paragraphs 1(a), 1(c) and 1(d);
 - c) administrative arrangements and costs relating to the issuance of airline tickets and the payment of subsistence allowance for the participants as specified in paragraphs 1(a) and 1(c);
 - d) substantive support during and after the Seminar.
5. The Government will be responsible for:
 - a) local counterpart staff to assist with the planning and any necessary administrative support during the Seminar;
 - b) reproduction of the Seminar materials;
 - c) any necessary office supplies and equipment, including stationery, personal computers, printers and photocopiers;
 - d) invitation as well as any costs related to the participation of national participants as specified in paragraph 1(b);
 - e) conference facilities for the Seminar.
6. The cost of transportation and daily subsistence allowance for other participants as specified in paragraph 1(d) will be the responsibility of their organizations.
7. As the Seminar will be convened by the United Nations, I wish to propose that the following terms shall apply:
 - a) The Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly on 13 February 1946 ("the Convention"), to which the Government is a party, shall be applicable in respect of the Seminar. In particular, the participants invited by the United Nations shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by articles VI and VII of the Convention. Officials of the United Nations participating in or performing functions in connection with the Seminar shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the Specialized

Agencies participating in the Workshop shall be accorded the privileges and immunities under articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the General Assembly on 21 November 1947;

b) Without prejudice to the provisions of the Convention, all participants and persons performing functions in connection with the Seminar shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Seminar;

c) Personnel provided by the Government pursuant to this Agreement 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 Seminar;

d) All participants and all persons performing functions in connection with the Seminar shall have the right of entry into and exit from the Netherlands. Visas and entry and exit permits, where required, shall be granted free of charge and issued as speedily as possible.

The provisions outlined in the paragraph above do not exclude the presentation by the Government of well-founded objections concerning a particular individual. Such objections, however, must relate to specific criminal or security related matters and not to nationality, religion, professional or political affiliation.

8. The Government shall furnish such police protection as may be required to ensure the effective functioning of the Seminar in an atmosphere of security and tranquillity 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 co-operation with a designated senior official of the United Nations.

9. It is further understood that the Government shall be responsible for dealing with any action, claim or other demand against the United Nations or its officials arising out of:

a) injury to persons or damage to or loss of property in conference or office premises provided for the Seminar;

b) injury to persons or damage to or loss of property caused by or incurred in using any transport services that are provided for the Seminar by or under the control of the Government;

c) the employment for the Seminar of personnel provided or arranged for by the Government; and

the Government shall indemnify and hold harmless the United Nations and its personnel in respect of any such action, claim or other demand.

10. Any dispute concerning the interpretation or implementation of this Agreement, except for a dispute subject to the appropriate provisions of the Convention or to any other applicable agreement, shall, unless the Parties otherwise agree, be resolved by negotiations or other agreed

mode of settlement. Any such dispute that is not settled by negotiation or any other agreed mode of settlement, shall be submitted at the request of either Party for a final decision to a tribunal of three arbitrators, one of whom shall be appointed by the Secretary-General of the United Nations, one by the Government and the third, who shall be the Chairperson, by the other two arbitrators. If either Party does not appoint an arbitrator within three months of the other Party having notified the name of its arbitrator, or if the first two arbitrators do not, within three months of the appointment or nomination of the second one of them, appoint the Chairperson, then such arbitrators shall be nominated by the President of the International Court of Justice at the request of either Party to the dispute. 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.

I further propose that upon receipt of your Government's confirmation in writing of the above, this exchange of letters shall constitute an Agreement between the United Nations and the Government of the Kingdom of the Netherlands regarding the hosting of the Seminar, which shall enter into force on the date of your reply and shall remain in force for the duration of the Seminar and for such additional period as is necessary for its preparation and for the completion of its work and for the resolution of any matters arising out of the Agreement.

Please accept, Excellency, the assurances of my highest consideration.

SHA ZUKANG
Under-Secretary-General

*H.E. Mr. Herman Schaper
Permanent Representative of the Kingdom of The Netherlands
to the United Nations
New York, NY*

Nr. II**PERMANENT MISSION OF THE KINGDOM OF
THE NETHERLANDS TO THE UN**

New York, 23 November 2009

Dear Under Secretary-General,

I have the honor to refer to your letter reference DESA-09/1702 of 12 November 2009, relating to the proposed arrangements for the hosting of the “International Seminar on Early Warning and Business Cycle Indicators”, which is scheduled to be held in Scheveningen, the Netherlands, from 14 to 16 December 2009, which reads as follows:

(zoals in Brief Nr. I)

In reply, I have the honor to confirm that the terms of your proposal are acceptable to the Government of the Kingdom of the Netherlands. Consequently, your letter and this reply shall constitute an Agreement between the United Nations and the Government of the Kingdom of the Netherlands, which shall enter into force on the date of this reply and shall remain in force for the duration of the Seminar and for such additional period as is necessary for its preparation and for the completion of its work and for the resolution of any matters arising out of the Agreement, however, not to exceed one year.

Please accept, Excellency, the assurances of my highest consideration.

HERMAN SCHAPER
Netherlands Permanent Representa-
tive to the UN

*Mr. Sha Zukang
Under Secretary-General Department of Economic and Social Affairs
Two United Nations Plaza, DC2-2320
New York, New York 10017*

D. PARLEMENT

Het in brieven vervatte verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in brieven vervatte verdrag zijn ingevolge het gestelde in de één na laatste alinea van brieven I en II in werking getreden op 23 november 2009.

Het in brieven vervatte verdrag zal ingevolge dezelfde alinea niet langer dan één jaar van kracht zijn.

Wat betreft het Koninkrijk der Nederlanden, geldt het in brieven vervatte verdrag alleen voor Nederland.

J. VERWIJZINGEN

Titel : Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties;
Londen, 13 februari 1946
Tekst : *Stb.* 1948, 224 (vertaling)
Laatste *Trb.* : *Trb.* 1994, 210

Titel : Verdrag nopens de voorrechten en immuniteiten van de gespecialiseerde organisaties;
New York, 21 november 1947
Tekst : *Stb.* 1949, 67 (Engels, Frans en vertaling)
Laatste *Trb.* : *Trb.* 2004, 59

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

Uitgegeven de eenentwintigste december 2009.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN