

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2016 Nr. 36 HERUITGAVE

A. TITEL

Briefwisseling tussen het Koninkrijk der Nederlanden, ten behoeve van Aruba, en de Verenigde Naties, houdende een verdrag betreffende de "Aruba Public-Private Partnerships Conference" te Oranjestad, Aruba, van 22 tot en met 24 maart 2016; New York, 18 maart 2016

B. TEKST

Nr. I

UNITED NATIONS OFFICE OF THE HIGH REPRESENTATIVE FOR THE LEAST DEVELOPED COUNTRIES, LANDLOCKED DEVELOPING COUNTRIES AND SMALL ISLAND DEVELOPING STATES (UN-OHRLLS)

New York, 18 March 2016

Reference: 16-01553/OHRLLS/HDS

Excellency,

I have the honour to refer to the arrangements concerning the upcoming Aruba Public-Private Partnerships Conference (hereinafter referred to as "the Conference").

The Conference will be organized by the United Nations represented by the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (hereinafter referred to as "the United Nations") in cooperation with the Government of Aruba, and will be held at the Renaissance Resort, in Oranjestad, Aruba from 22 to 24 March 2016.

The Conference will focus on the role of Public-Private Partnerships (PPPs) in the sustainable development of Small Island Developing States (SIDS) and will serve as a follow up event to the Private Sector Partnerships Forum from 30 to 31 August, 2014 on the margins of the United Nations Third International Conference on Small Island Developing States held in Apia, Samoa. The Conference will look to consolidate and advance the outcomes of the Samoa Forum and provide an international platform to strengthen international cooperation mobilizing efforts in the pursuit of achieving the 2030 Agenda and Sustainable Development Goals (SDGs) and will provide governments, private companies, financial institutions and knowledge centers the opportunity to showcase and discuss upcoming PPP projects that are of mutual interest to participating entities.

With the present letter, I wish to obtain acceptance by the Government of the Kingdom of the Netherlands, on behalf of the Government of Aruba, of the following:

1. The Conference will be attended by the following participants:
 - (a) up to (38) Permanent Representatives of Small Island Developing States based in New York;
 - (b) up to (5) private sector representatives of Small Island Developing States from the Atlantic, Indian Ocean and South China Sea (AIMS) region;
 - (c) up to (5) private sector representatives of Small Island Developing States from the Caribbean region;
 - (d) up to (5) private sector representatives of Small Island Developing States from the Pacific region;
 - (e) up to (3) representatives of Small Island Developing States from the AIMS region to be funded by the United Nations Department of Economic and Social Affairs;
 - (f) up to (3) representatives of Small Island Developing States from the Caribbean region to be funded by the United Nations Department of Economic and Social Affairs;
 - (g) up to (3) representatives of Small Island Developing States from the Pacific region to be funded by the United Nations Department of Economic and Social Affairs;
 - (h) up to (10) self-funded representatives/experts from the United Nations Specialized Agencies and Regional Economic Commissions;

- (i) up to (10) self-funded experts from International Financial Institutions, and other Regional and Sub-regional Organizations, corridor management organizations and the private sector;
 - (j) up to 7 officials from the United Nations Office of the High Representative for LDCs, LLDCs, and SIDS;
 - (k) other participants invited by the United Nations and the Kingdom of the Netherlands and Government of Aruba, including representatives of regional and international organizations and the United Nations System.
2. The maximum number of participants will be approximately three hundred (300). The final list of participants will be determined by the United Nations in consultation with the Government of Aruba prior to the holding of the Conference.
 3. The Conference will be conducted in English with simultaneous interpretation in French and Spanish.
 4. The United Nations will be responsible for:
 - (a) Overall substantive support to the organization of the Conference, including: (i) the preparation of appropriate documentation; (ii) the identification and lining-up of speakers and moderators; (iii) supporting outreach, advocacy and media coverage; (iv) assist with running of thematic sessions; and (v) compilation of the co-chairs' summary outcomes of the Meeting;
 - (b) The invitation of participants as specified in sub-paragraphs 1(a) through 1(k).
 5. The Government of Aruba will be responsible for and provide at its cost the following:
 - (a) The transportation of the Conference participants from the airport to the designated hotel and from the designated hotel to the airport, as well as from the designated hotel to the Conference venue and from the Conference venue to the designated hotel;
 - (b) Local counterpart staff, with fluent knowledge of the English language, to assist with the planning and any necessary administrative support during the Conference;
 - (c) Conference premises and facilities, including one conference room having a capacity for at least 300 participants, equipped with sound recording with sound recording, microphones, and at least one additional room for working groups;
 - (d) The reproduction of the Conference materials and its distribution to Conference's participants;
 - (e) Any necessary office supplies and equipment, including stationary, computers, printers and photocopies;
 - (f) Provision of office space for the officials from the United Nations, including office materials, 4 computers with internet connection, printer/photocopying machine and telephone and fax services;
 - (g) Setting-up special hospitality desk at the hotel (where participants are staying) and at the airport to provide necessary guidance and information to the participants, including ticket re-confirmation facilities;
 - (h) Making first-aid medical assistance available for all participants within the Conference premises;
 - (i) Organizing a welcome reception on the first day;
 - (j) Ensuring local media coverage of the Conference; and
 - (k) Provision of interpretation services in the following languages of the Conference: English, Spanish and French.
 6. The Government of Aruba will also be responsible for and provide at its cost support to the each of the participants referred to in above 1(a), (b), (c), (d), and (j) on the following:
 - (a) The cost of transportation to and from the respective places of origin and Aruba;
 - (b) Accommodation for the duration of the Conference in Aruba up to \$250 per night per person;
 - (c) Disburse to the participants in Aruba, terminal expenses of \$76 for non-New York based participants and \$126 for New York based participants;
 - (d) Disburse to the participants in Aruba, daily subsistence allowance rate of \$128 per day for the duration of the conference.
 7. The cost of transportation and daily subsistence allowance for other participants as specified in paragraphs 1 (h), (i) and (k) will be the responsibility of the participants and their respective organizations.
 8. As the Conference 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 (hereinafter referred to as "the Convention"), to which the Kingdom of the Netherlands is a party, shall be applicable in respect to the Conference. In particular, representatives of States participating in the Conference shall enjoy the privileges and immunities provided under Article IV of the Convention. The participants 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 Conference shall enjoy the privileges and immunities provided under Articles V and VII of the Convention. Representatives, officials and experts of the Specialized Agencies participating in the Conference shall be accorded the privileges and immunities provided 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 Conference shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Conference;

- (c) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written or any act performed by them in their official capacity in connection with the Conference;
- (d) All participants and all persons performing functions in connection with the Conference shall have the right of unimpeded entry into and exit from Aruba, provided that the general procedures governing the granting of visas are fulfilled. Visas and entry permits, where required, shall be granted free of charge and as speedily as possible. When applications are made four weeks before the opening of the Conference, visas shall be granted not later than two weeks before the opening of the Conference. If the application is made less than four weeks before the opening, visas shall be granted as speedily as possible. Arrangements shall be made to ensure that visas for the duration of the Conference are delivered at the airport of arrival to those who are unable to obtain them prior to their Arrival-Exit permits, where required, shall be granted free of charge, as speedily as possible as and in any case not later than three days before the closing of the Conference.
9. The Government of Aruba shall, at its expense, provide such police protection as may be required to ensure the safety of the participants and the effective functioning of the Conference in an atmosphere of security and tranquillity free from any 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.
10. It is further understood that the Government of Aruba 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 the Conference or office premises that are provided by or under control of the Government of Aruba for the Conference;
- (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 Conference by or under the control of the Government of Aruba;
- (c) the employment for the Conference of personnel provided or arranged for by the Government of Aruba and;
- (d) the Government of Aruba shall indemnify and hold harmless the United Nations and its officials in respect of any such action, claim or other demand.
11. Any dispute between the United Nations and the Government of Aruba, concerning the interpretation or implementation of this Agreement, except for a dispute subject to Section 30 of the Convention or to any other applicable agreement, shall, unless the parties otherwise agree, be resolved by negotiations. 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 of Aruba 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 arbitrator 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.
12. I further propose that upon receipt of your Government's confirmation in writing of the above, this exchange of letters constitute an Agreement between the United Nations and the Kingdom of the Netherlands, on behalf of Aruba regarding the hosting of the Conference, which shall enter into force on the date of your reply and shall remain in force for the duration of the Conference, 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, not to exceed one year.

Please accept Excellency, the assurances of my highest consideration.

GYAN CHANDRA ACHARYA
Under-Secretary-General and High Representative for
the Least Developed Countries, Landlocked Developing
Countries and Small Island Developing States

*H.E. Karel van Oosterom
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Kingdom of the Netherlands
to the United Nations, New York*

Nr. II

PERMANENT MISSION OF THE KINGDOM OF THE NETHERLANDS TO THE UNITED NATIONS

18 March 2016

NYV/2016/238

Re Aruba Public-Private Partnerships Conference (Oranjestad, 22 - 24 March 2016)

Dear Mr Acharya,

I have the honor to refer to your letter with reference 16-01553/OHRLLS/HDS of 18 March 2016, relating to an Agreement to be concluded between the Government of the Kingdom of the Netherlands, on behalf of the Government of Aruba, and the United Nations concerning the Aruba Public-Private Partnerships Conference which is scheduled to be held in Oranjestad, Aruba, from 22 to 24 March 2016.

I am authorized by the Government of the Kingdom of the Netherlands, on behalf of Aruba, to state that it agrees to the proposals formulated in your letter of 18 March 2016, regarding the organization of the Conference. Further, I am authorized to state that the Government of the Kingdom of the Netherlands, on behalf of the Government of Aruba, considers your letter and this reply as together constituting an Agreement between the Kingdom of the Netherlands, in respect of Aruba, and the United Nations in relation to hosting the Aruba Public-Private Partnerships Conference, which shall enter into force on the date of this reply and shall remain in force for the duration of the Conference, 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, not to exceed one year.

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

Yours sincerely,

KAREL J.G. VAN OOSTEROM
Ambassador
Permanent Representative

*Gyan Chandra Acharya
Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States
Room S-3266, United Nations
New York, NY 10017*

D. PARLEMENT

Het in de 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 de brieven vervatte verdrag zijn ingevolge het gestelde in de voorlaatste alinea van brief nr. I en brief nr. II op 18 maart 2016 in werking getreden.

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

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

Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)				
Nederland (Bonaire)				
Nederland (Sint Eustatius)				

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (Saba)				
Aruba		18-03-2016		18-03-2017
Curaçao				
Sint Maarten				

J. VERWIJZINGEN

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

Titel : VN voorrechten en immuniteiten 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 Verdrag zal zijn bekendgemaakt in Aruba op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de tweeëntwintigste maart 2016.

De Minister van Buitenlandse Zaken,

A.G. KOENDERS