

No. 25564

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**NETHERLANDS**  
**and**  
**ZAMBIA**

**Agreement on technical co-operation (with related declaration of 13 February 1980). Signed at Lusaka on 12 September 1979**

*Authentic text: English.*

*Registered by the Netherlands on 29 December 1987.*

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**PAYS-BAS**  
**et**  
**ZAMBIE**

**Accord de coopération technique (avec déclaration connexe du 13 février 1980). Signé à Lusaka le 12 septembre 1979**

*Texte authentique : anglais.*

*Enregistré par les Pays-Bas le 29 décembre 1987.*

## AGREEMENT<sup>1</sup> ON TECHNICAL COOPERATION BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF ZAMBIA

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The Government of the Kingdom of the Netherlands, and the Government of the Republic of Zambia,

Reaffirming the friendly relations existing between the two States and their people;

Firmly desiring to intensify those relations;

Desiring to promote technical cooperation, and to create for that purpose the necessary legal and administrative framework,

Have agreed as follows:

*Article I.* 1. The aim of this Agreement shall be to promote technical co-operation and to create to that effect the legal and administrative framework for technical cooperation projects upon which the competent authorities of the two Parties may decide for the purpose of implementing this Agreement.

2. A decision to cooperate as referred to in paragraph 1 above, the contributions to a project and the manner in which a project is to be implemented shall in each case be laid down in an arrangement to be established by the two competent authorities.

*Article II.* In connection with a project, the Government of Zambia shall:

- a. Accord to the experts and their families exemption from Customs duties, taxes and other related charges in respect of personal and household effects imported into Zambia for their exclusive use, or entitle them to acquire the same in Zambia exbonded warehouse within six months of their first arrival in Zambia. The term "personal and household effects" shall include for each household one motor vehicle. If these articles are sold or otherwise disposed of in Zambia other than to a person entitled to the same privileges, appropriate duty based on the estimated value of the articles shall be paid thereon. No sale or disposal and household effects shall be made without the prior notice of the Controller of Customs and Excise.
- b. Accord the right to re-export the effects and goods mentioned in paragraph (a) on completion of the assignment of the expert in Zambia.
- c. Exempt the experts from personal income tax or any other direct tax in respect of any emoluments paid to them by the Netherlands Government.
- d. Grant free of charge and without undue delay entry and exit visas and other permits, for the Netherlands experts and their families.
- e. Grant the experts the most favourable exchange facilities, i.e. external accounts for all their Netherlands remunerations.
- f. In the event of an international crisis affecting the safety of foreign nationals in Zambia, accord the same repatriation facilities to the experts and their families as to diplomatic personnel.

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<sup>1</sup> Came into force on 16 April 1987, the date on which the Parties had notified each other of the completion of the required constitutional procedures, in accordance with article VII (1).

- g. Exempt the experts and their families from national service obligations or other defence-related duties.
- h. Provide medical care for experts and their families as is provided for every citizen or resident of Zambia including civil servants of all categories.
- i. In case of any damage to a third party caused by the expert in the course of his duties in Zambia under this Agreement the Government of Zambia shall be liable in his place and any claim against the expert shall to that extent be excluded unless it is established by a competent court of law in Zambia that any such damage has arisen from the gross negligence or wilful or criminal conduct on the part of the expert.
- j. Ensure that the experts and their families are accorded treatment of a manner no less favourable than that accorded to technical assistance personnel assigned to Zambia by any other country.

*Article III.* 1. The experts shall comply with the laws, regulations and orders as may be in force from time to time in Zambia unless otherwise provided for in this Agreement or supplementary agreements hereto.

2. The Government of Zambia shall have the right to request the recall or replacement of any expert made available by the Government of the Netherlands. Before exercising such right the Government of Zambia shall consult the Government of the Netherlands.

3. The Government of the Netherlands shall have the right upon at least two months' prior notice in writing to the Government of Zambia to recall any expert made available by the Government of the Netherlands under this Agreement. Before exercising such right the Government of the Netherlands shall consult the Government of Zambia and shall endeavour to secure a suitable replacement for any expert so recalled.

*Article IV.* 1. The provisions in this Agreement concerning Netherlands personnel shall apply equally to persons, other than Zambian nationals, employed by the Netherlands Government and to persons, other than Zambian nationals, employed by business enterprises with which the Netherlands Government has concluded a contract to engage in operations governed by or undertaken in virtue of this Agreement.

2. The Netherlands personnel made available may perform operational or advisory duties.

*Article V.* 1. The Government of Zambia shall exempt from all import and export duties and other official charges the equipment (including motor-vehicles) and other supplies provided by the Netherlands Government in connection with a project.

2. The Government of Zambia shall do its utmost to facilitate the speedy handling, clearing and forwarding of goods referred to in paragraph 1 above upon arrival of such goods in Zambia.

3. Without prejudice to the Zambian exchange control regulations no currency or foreign exchange restrictions shall be imposed on funds introduced into Zambia from external sources by the Government of the Netherlands for purposes in accordance with the Agreement. Balances on bank accounts exclusively fed with such funds shall be freely transferable into any convertible currency.

*Article VI.* For the follow up and evaluation of the cooperation under this Agreement the competent authorities shall, whenever needed, be available to each other for consultation and shall give each other such relevant information on the cooperation as may be reasonably requested.

The Government of Zambia shall furthermore, whenever appropriate and practicable enable representatives of the Government of the Netherlands to study the various activities supported by the Netherlands Government.

*Article VII.* 1. This Agreement shall enter into force on the date on which the two Governments have given each other written notification that the procedures constitutionally required therefor in their respective countries have been complied with.

2. This Agreement shall remain in force for an initial period of two years. If neither Government declares its intention to terminate the Agreement three months before it expires, the Agreement shall each time be tacitly renewed for a further period of one year.

3. In respect of projects started before the date of termination of this Agreement the foregoing articles shall continue to be effective until the project has been terminated.

4. This Agreement shall automatically terminate when a general multilateral agreement on technical cooperation, involving both Governments comes into force.

5. With respect to the Kingdom of the Netherlands this Agreement shall apply to the European part of the Kingdom only.

DONE at Lusaka, this 12 September 1979 in duplicate in the English language.

For the Government  
of the Kingdom of the Netherlands:

J. DE KONING

For the Government  
of the Republic of Zambia

J. LUMINA

## RELATED DECLARATION MADE ON 13 FEBRUARY 1980

“In accordance with the provisions of article III paragraph 1, the Government of the Netherlands will instruct the experts it makes available to the Zambian authorities that while in Zambia they must comply with the laws, orders and regulations in force in that country. The Embassy would bring to the Ministry’s attention the fact that the Government of the Netherlands is proceeding on the assumption that the Embassy will be notified immediately by the Zambian authorities in the event of arrest or detention of, or the institution of criminal proceedings against a Dutch expert, and that in such cases consultation will take place as soon as possible between the Zambian authorities and the Embassy with a view to finding a solution to the problems which have arisen, bearing in mind the nature of the cooperation between the Netherlands and Zambia in general, and in particular the wish to ensure the least possible disruption of the project to which the expert concerned is assigned.”

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