

TREATY ARCHIVES  
B 1975/ 10

AGREEMENT BETWEEN THE GOVERNMENT OF  
NEW ZEALAND AND THE GOVERNMENT OF  
THE PEOPLE'S REPUBLIC OF BANGLADESH  
CONCERNING THE DONATION OF MILK POWDER  
FROM NEW ZEALAND

The Government of New Zealand and the Government of the People's Republic of Bangladesh, desiring to conclude an agreement concerning the donation of milk powder by the Government of New Zealand to the Government of the People's Republic of Bangladesh, have agreed as follows:

TYPE OF PRODUCT

1. The Government of New Zealand shall supply by way of gift to the Government of the People's Republic of Bangladesh approximately 500 metric tons of whole milk powder and approximately 2,100 metric tons of skim milk powder to be used within Bangladesh to meet emergency food requirements and to carry out a programme involving the use of foodstuffs for economic and social development.

QUALITY AND PACKAGING

2. The milk powders supplied shall be of the quality and in the packaging specified hereunder:

- (a) the whole milk powder shall have a fat content not exceeding 26 per cent and shall be packed in wooden cases each containing six 2 kilogramme airtight tins;
- (b) the skim milk powder shall have a fat content not exceeding 1.25 per cent and shall be packed in bags containing 25 kilogrammes net weight, being standard New Zealand Dairy Board export multi-wall bags with an inner polythene liner.

DELIVERY ARRANGEMENTS

3. Delivery of the milk powders shall be arranged in accordance with the following rules and procedures:

- (a) The whole milk powder shall be shipped cif to the consignee, who shall be the Chairman of the Trading Corporation of Bangladesh and the skim milk powder shall be shipped cif to the consignee, who shall be the Secretary of the Ministry of Relief and Rehabilitation. The Government of the People's Republic of Bangladesh shall permit the World Food Programme representative in Bangladesh to supervise the receipt of any consignment of skim milk powder.

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- (b) Consignment of the milk powders shall be made if possible over not less than 3 separate shipments at least one month apart or as may be established by joint agreement;
- (c) As soon as possible after any consignment of milk powder has been loaded for shipment, the New Zealand Dairy Board shall advise the consignee by telegram of the name of the vessel and its estimated date of arrival at the port of Chittagong. The original shipping documents shall be sent by direct airmail to the consignee and copies shall be sent to the New Zealand High Commissioner to Bangladesh.
- (d) Delivery shall be effected and possession together with all risks shall pass from the Government of New Zealand to the Government of the People's Republic of Bangladesh at the moment when any consignment of milk powder actually arrives at the port of Chittagong.
- (e) The Government of New Zealand shall pay all costs prior to delivery, including ocean freight and marine insurance.
- (f) The Government of the People's Republic of Bangladesh shall pay all costs subsequent to delivery including charges in respect of wharfage or demurrage, unloading, storage, transport and insurance of the goods. Any costs resulting from delays in taking delivery which are attributable to the Government of the People's Republic of Bangladesh shall be borne by that Government.

#### MANNER OF USE AND DISTRIBUTION

4.(1) The Government of the People's Republic of Bangladesh undertakes to use the whole milk powder exclusively for the purposes of consumption within Bangladesh and, within six months of the receipt of any consignment by the Trading Corporation of Bangladesh, to implement its sale exclusively in Fair Price Shops at prices normally obtaining in those shops for goods of comparable quality.

(2) The proceeds arising from this sale, less the normal cost of selling the product on the local market (including internal transport), shall be paid by the Government of the People's Republic of Bangladesh into a special account at the Central Bank or at a bank under the control of that Government and shall be applied to the financing of economic and social development schemes in Bangladesh which have been proposed by the Government of the People's Republic of Bangladesh and approved by the Government of New Zealand.

5.(1) The Government of the People's Republic of Bangladesh shall distribute the skim milk powder free of any charges to those in need, including children, pregnant and nursing women and elderly and infirm persons designated by Union and village councils and/or Government local health authorities as suffering from protein deficiency or malnutrition. The daily rations of skim milk powder so distributed should not exceed 57 grammes, while the ration for seven days shall not exceed half a seer. Supplies sufficient to cover the foregoing rations shall not be distributed more than once per week. Continuous feeding shall take place for a period of up to three months.

(2) In arranging for the distribution of skim milk powder, the Government of the People's Republic of Bangladesh shall at all times give priority to those areas where food shortage has resulted in severe malnutrition, starvation and distress. To this end, the Government of the People's Republic of Bangladesh may allocate the skim milk powder either wholly or partly to the World Food Programme or to the United Nations Children's Fund where either organisation is undertaking an emergency feeding programme.

(3) The Government of the People's Republic of Bangladesh may also designate any or all of the following voluntary agencies to distribute skim milk powder: CARE, Catholic Relief Services, CCDB, COIR, CONCERN, International Rescue Committee, Mennonite Central Committee, Missionaries of Charity, OXFAM, Quaker Service, Lutheran World Federation, Salvation Army, Save the Children Fund, Swallows in Denmark, Swallows in Sweden, Swedish Free Church Aid.

Any voluntary agency so designated shall be required to submit a proposed feeding programme to the Ministry of Relief and Rehabilitation which, in consultation with the World Food Programme or United Nations Children's Fund representative in Bangladesh, shall determine its approval of the programme together with the quantity of skim milk powder to be allocated to any agency. On completing the distribution of skim milk powder allocated to it, a voluntary agency shall be required to send a detailed report on its actual feeding programme to the Ministry of Relief and Rehabilitation and copies of that report to the World Food Programme or United Nations Children's Fund representative, as the case may be.

6. Should the Government of the People's Republic of Bangladesh be unable to make full use of the milk powders donated by the Government of New Zealand, the remaining supplies shall be placed at the disposal of the World Food Programme for such use in Bangladesh as the World Food Programme representative in consultation with the Ministry of Relief and Rehabilitation may decide.

USUAL MARKETING REQUIREMENTS

7. With regard to whole milk powder, both Governments undertake to implement this Agreement in such a way as to avoid any prejudice to the normal structure of domestic production and international trade. To this end the Government of the People's Republic of Bangladesh shall take any measures required to ensure that the whole milk powder donated by the Government of New Zealand is additional to and does not replace commercial imports which might reasonably be expected in the absence of this donation.

8. With regard to both whole milk powder and skim milk powder, the Government of the People's Republic of Bangladesh shall take all appropriate measures to prevent its re-export or unauthorised sale and the export, whether commercially or otherwise, within six months from the date of the last delivery either of milk powders produced locally of the same kind as that donated by the Government of New Zealand or of processed products derived from it.

SUPERVISORY AND ADVISORY SERVICES

9. The Government of the People's Republic of Bangladesh shall take all measures necessary to enable representatives of the World Food Programme, the United Nations Children's Fund and the Government of New Zealand to observe on the spot the progress of operations carried out pursuant to the provisions of this Agreement. At the request of the Government of New Zealand the World Food Programme and United Nations Children's Fund representatives in Bangladesh shall render to the Government of the People's Republic of Bangladesh such supervisory and advisory services as may be necessary in connection with the unloading, handling, storage, transportation and distribution of the milk powders.

REPORTING

10. The Government of the People's Republic of Bangladesh shall keep the Government of New Zealand informed concerning the implementation of this Agreement. To this end, the New Zealand High Commissioner to Bangladesh shall be provided with the following information:

- (a) By the consignee in each case, immediately after the unloading of each consignment: port and date of the ship's arrival, kind, quantity and quality of product unloaded and date on which discharge was completed.

- (b) By the Ministry of Relief and Rehabilitation every three months until the quantity of skim milk powder received has been fully used: quantities distributed, number and nature of beneficiaries, places, rate and method of distribution.
- (c) By the Secretary of Planning, every three months until the quantity of whole milk powder received has been fully used: the quantity sold in each shop, the selling prices, the proceeds derived from sale, the normal cost of selling the product on the local market, insurance costs, any losses of stock, and the costs of internal transport from the port of discharge to the final destination.
- (d) At the conclusion of the programme for the sale of whole milk powder and for the distribution of skim milk powder, a comprehensive consolidated report and account, duly audited and certified by the auditor for the Government of the People's Republic of Bangladesh. Copies of this report and account shall be sent to the World Food Programme and United Nations Children's Fund representatives in Bangladesh.
- (e) On 31 January every year until the special account has been fully used:
- (i) a duly certified statement of this account (including deposits and withdrawals) on 31 December of the preceding year;
  - (ii) a report indicating the progress achieved in any economic or social development project and the total amount of finance provided from the special account at that stage.

#### CONSULTATION

11. At the request of either the Government of the People's Republic of Bangladesh or the Government of New Zealand, the

two Governments shall consult each other on any questions concerning the implementation of this Agreement.

In witness thereof the undersigned, duly authorised thereto, have signed this Agreement.

Done at Dacca in duplicate this 9<sup>th</sup> Day  
of ~~September~~ 1975.



For the Government of  
New Zealand



For the Government of  
the People's Republic  
of Bangladesh