

**40/180. Agreement between the United Nations and
the United Nations Industrial Development
Organization**

The General Assembly,

Recalling paragraph 11 of its resolution 34/96 of 13
December 1979,

Having considered Economic and Social Council resolu-
tion 1985/81 of 12 December 1985, and the draft agree-
ment annexed thereto, intended to bring the United

²¹ A/40/519.

²² Resolution 35/56, annex.

Nations Industrial Development Organization into relationship with the United Nations in accordance with Articles 57 and 63 of the Charter of the United Nations,

Approves the Agreement between the United Nations and the United Nations Industrial Development Organization set forth in the annex to the present resolution.

*119th plenary meeting
17 December 1985*

ANNEX

Agreement between the United Nations and the United Nations Industrial Development Organization

PREAMBLE

In consideration of the provisions of Article 57 of the Charter of the United Nations and of article 18 of the Constitution of the United Nations Industrial Development Organization, the United Nations and the United Nations Industrial Development Organization agree as follows:

Article 1

RECOGNITION

The United Nations recognizes the United Nations Industrial Development Organization (hereinafter called the "Organization") as a specialized agency within the United Nations system as defined in its Constitution and as being responsible for taking appropriate action in accordance with its Constitution, as well as with any treaties and agreements administered by it.

Article 2

CO-ORDINATION AND CO-OPERATION

In its relations with the United Nations, its organs and the agencies of the United Nations system, the Organization recognizes the co-ordinating role, as well as the comprehensive responsibilities in promoting economic and social development, of the General Assembly and the Economic and Social Council under the Charter of the United Nations. The Organization, in exercise of its central co-ordinating role in the field of industrial development, recognizes the need for effective co-ordination and co-operation with the United Nations, its organs and the agencies within the United Nations system. Accordingly, the Organization agrees to co-operate with the United Nations in whatever measure may be necessary to effect the required co-ordination of policies and activities. The Organization agrees further to participate in the work of any United Nations bodies which have been established or may be established for the purpose of facilitating such co-operation and co-ordination, in particular through membership in the Administrative Committee on Co-ordination.

Article 3

RECIPROCAL REPRESENTATION

(a) Representatives of the United Nations shall be invited to attend the sessions of all the bodies of the Organization and all such other meetings convened by the Organization, and to participate, without the right to vote, in the deliberations of such bodies and at such meetings. Written statements presented by the United Nations shall be distributed by the Organization to its members.

(b) Representatives of the Organization shall be invited to attend meetings and to participate, without the right to vote and in accordance with the relevant rules of procedure, in the deliberations of the Economic and Social Council, its commissions and committees, of the Main Committees and other organs of the General Assembly, of the Governing Council of the United Nations Development Programme, and of the conferences and meetings of the United Nations, with respect to items of the agenda relating to industrial development matters within the scope of the activities of the Organization and other matters of mutual interest. Written statements presented by the Organization shall be distributed by the Secretariat of the United Nations to the members of the above-mentioned bodies, in accordance with the relevant rules of procedure.

(c) Representatives of the Organization shall be invited, for purposes of consultation, to attend meetings of the General Assembly when matters as defined in paragraph (b) above are under discussion.

Article 4

PROPOSAL OF AGENDA ITEMS

(a) After such preliminary consultation as may be necessary, the United Nations may propose items for consideration by the Organization. The Organization shall arrange for the inclusion of such items in the provisional agenda of its General Conference, Industrial Development Board, Programme and Budget Committee, or any other subsidiary body, as appropriate.

(b) After such preliminary consultation as may be necessary, the Organization may propose items for consideration by the United Nations. The United Nations shall arrange for the inclusion of such items in the provisional agenda of the Economic and Social Council or, as appropriate and in accordance with the relevant rules of procedure, of other organs or bodies of the United Nations.

Article 5

RECOMMENDATIONS OF THE UNITED NATIONS

(a) Having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter of the United Nations and the function and power of the Economic and Social Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, the Organization agrees to arrange for the submission, as soon as possible, to the appropriate organ of the Organization, of all formal recommendations which the United Nations may make to it.

(b) The Organization agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its members to give effect to such recommendations, or on the other results of their consideration.

Article 6

ANNUAL REPORT OF THE ORGANIZATION, INFORMATION AND DOCUMENTS

(a) The Organization shall submit to the United Nations an annual report on its activities.

(b) Subject to such arrangements as may be necessary for the safeguarding of confidential material, full and prompt exchange of appropriate information and documents shall be made between the United Nations and the Organization.

Article 7

STATISTICAL SERVICES

(a) The United Nations and the Organization agree to strive for the maximum co-operation, the elimination of all undesirable duplication between them and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burden placed upon Governments and other organizations from which such information may be collected.

(b) The Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

(c) The United Nations recognizes the Organization as an appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its sphere, without prejudice to the right of the United Nations, its organs and other agencies within the United Nations system to concern themselves with such statistics in so far as they may be essential for their own purposes or for the improvement of statistics throughout the world.

(d) The United Nations shall, in consultation with the Organization and other agencies within the United Nations system, develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations, the Organization and other agencies within the United Nations system brought into relationship with it.

(e) It is recognized as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the agencies within the United Nations system whenever it is practicable for any of

them to utilize information or materials which another may have available.

(f) In order to collect statistical information for general use, it is agreed that data supplied to the Organization for incorporation in its basic statistical series or special reports should, so far as is practicable, be made available to the United Nations on request.

(g) It is agreed that data supplied to the United Nations for incorporation in its basic statistical series or special reports should, so far as is practicable and appropriate, be made available to the Organization upon request.

Article 8

ASSISTANCE TO THE UNITED NATIONS

The Organization shall, in accordance with the Charter of the United Nations and the Constitution of the Organization, as well as any treaties and agreements administered by it, co-operate with the United Nations by furnishing to it such information, special reports and studies, and by rendering such assistance to it, as the United Nations may request.

Article 9

TECHNICAL ASSISTANCE

The United Nations and the Organization undertake to work together in the provision of technical assistance in the field of industrial development. In particular, they undertake to avoid undesirable duplication of activities and services and agree to take such measures as may be required to achieve effective co-ordination within the framework of existing co-ordinating machinery in the field of technical assistance, taking into account the respective roles and responsibilities of the United Nations and the Organization under their constitutive instruments, as well as those of other organizations participating in technical assistance activities. To this end, the Organization recognizes the overall responsibilities of the resident co-ordinators for operational activities for development, as formulated in the relevant General Assembly resolutions, and agrees to give consideration to the common use of available services as far as is practicable. The United Nations will make available to the Organization its administrative services in this field for use as requested.

Article 10

TRANSFER OF TECHNOLOGY

The Organization agrees to co-operate within the field of its competence with the United Nations and its organs, particularly the United Nations Conference on Trade and Development and the United Nations Development Programme, as well as the agencies within the United Nations system, in promoting and facilitating the transfer of technology to and among developing countries in such a manner as to assist the Organization in attaining the objectives set forth in the Constitution.

Article 11

TRUST, NON-SELF-GOVERNING AND OTHER TERRITORIES

The Organization agrees to co-operate within the field of its competence with the United Nations in giving effect to the principles and obligations set forth in Chapters XI, XII and XIII of the Charter of the United Nations and other internationally recognized principles and obligations regarding colonial countries and peoples, with regard to matters affecting the well-being and development of the peoples of the Trust, Non-Self-Governing and other Territories.

Article 12

INTERNATIONAL COURT OF JUSTICE

(a) The Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

(b) The General Assembly of the United Nations authorizes the Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of the Organization's activities other than questions concerning the mutual relationships between the Organization and the United Nations or other agencies within the United Nations system.

(c) Such requests may be addressed to the International Court of Justice by the General Conference or by the Industrial Development Board of the Organization.

(d) When requesting the International Court of Justice to give an advisory opinion, the Organization shall inform the Economic and Social Council of the request.

Article 13

RELATIONS WITH OTHER AGENCIES WITHIN THE UNITED NATIONS SYSTEM

The Organization shall inform the Economic and Social Council of matters of inter-agency concern within its competence, and of any formal agreement on such matters to be concluded between the Organization and another agency within the United Nations system.

Article 14

ADMINISTRATIVE CO-OPERATION

(a) The United Nations and the Organization recognize the desirability of co-operation in administrative matters of mutual interest.

(b) Accordingly, the United Nations and the Organization undertake to consult together, and with other agencies concerned within the United Nations system, from time to time concerning these matters, particularly the most efficient and harmonized use of facilities, staff and services and appropriate methods of avoiding the establishment and operation of competitive or overlapping facilities and services with a view to securing as much uniformity in these matters as possible.

(c) The consultations referred to in this article shall be utilized to establish the most equitable manner in which any special services or assistance furnished, on request, by the Organization to the United Nations or by the United Nations to the Organization shall be financed.

(d) The consultations referred to in this article shall also explore the possibility of continuing or establishing common facilities or services in specific areas, including the possibility of one organization providing such facilities or services to one or several other organizations, and establish the most equitable manner in which such facilities or services shall be financed.

Article 15

REGIONAL AND BRANCH OFFICES

Any regional or branch offices which the Organization may establish shall closely co-operate with the regional or branch offices which the United Nations has established or may establish, in particular the offices of the regional commissions and of the resident co-ordinators.

Article 16

PERSONNEL ARRANGEMENTS

(a) The United Nations and the Organization agree to develop, in the interests of uniform standards of international employment and to the extent feasible, common personnel standards, methods and arrangements designed to avoid unjustified differences in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate any mutually desirable and beneficial interchange of personnel. For this purpose the Organization agrees to accept the Statute of the International Civil Service Commission.

(b) The United Nations and the Organization agree:

(i) To consult together from time to time concerning matters of mutual interest relating to the terms and conditions of employment of the officers and staff, with a view to securing as much uniformity in these matters as may be feasible;

(ii) To co-operate in the interchange of personnel when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;

(iii) That the Organization shall participate in the United Nations Joint Staff Pension Fund in accordance with the Regulations of the Fund and shall accept the jurisdiction of the United Nations Administrative Tribunal in matters involving applications alleging non-observance of these Regulations;

(iv) To co-operate with the agencies in the United Nations system in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.

(c) The United Nations and the Organization agree to co-operate fully in ensuring that, to the extent possible, all members of the staff of the United Nations who were assigned to the United Nations Industrial Development Organization when it was a United Nations organ should be offered appointments by the Organization that preserve their acquired rights and contractual status.

(d) The terms and conditions under which any facilities or services of the Organization or the United Nations in connection with the matters referred to in this article are to be extended to the other shall, where neces-

sary, be the subject of complementary agreements concluded for this purpose.

General Assembly and by the Industrial Development Board of the Organization upon authorization of the General Conference of the Organization.

Article 17

BUDGETARY AND FINANCIAL MATTERS

(a) The Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and the agencies within the United Nations system shall be carried out in the most efficient and economical manner possible, and that the maximum measure of coordination and uniformity with respect to these operations shall be secured.

(b) The Organization agrees to accept the Statute of the Joint Inspection Unit.

(c) The Organization agrees to conform, as far as may be practicable and appropriate, to standard practices and forms recommended by the United Nations.

(d) Financial and budgetary arrangements entered into between the United Nations and the Organization shall be approved in accordance with their respective constitutive instruments.

(e) In the preparation of the budget of the Organization, the Director-General of the Organization shall consult with the Secretary-General of the United Nations with a view to achieving, in so far as is practicable, uniformity in presentation of the budgets of the United Nations and of the agencies within the United Nations system for the purposes of providing a basis for comparison of the several budgets.

(f) The Organization agrees to transmit its proposed budgets to the United Nations not later than when the said budgets are transmitted to its members so as to enable the General Assembly of the United Nations to examine them and make recommendations, in accordance with paragraph 3 of Article 17 of the Charter of the United Nations.

(g) Representatives of the Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof established by it, at all times when the budget of the Organization or general administrative or financial questions concerning the Organization are under consideration.

Article 18

UNITED NATIONS LAISSEZ-PASSER

Officials of the Organization shall be entitled, in accordance with such special arrangements as may be concluded between the Secretary-General of the United Nations and the Director-General of the Organization, to use the laissez-passer of the United Nations.

Article 19

IMPLEMENTATION OF THE AGREEMENT

The Secretary-General of the United Nations and the Director-General of the Organization may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable.

Article 20

AMENDMENT AND REVISION

This Agreement may be amended or revised by agreement between the United Nations and the Organization and any such amendment or revision agreed upon between the Economic and Social Council of the United Nations and the Industrial Development Board of the Organization shall come into force on approval by the General Assembly of the United Nations and the General Conference of the Organization.

Article 21

ENTRY INTO FORCE

(a) This Agreement shall enter into force on its approval by the General Assembly of the United Nations and the General Conference of the Organization.

(b) Without prejudice to the provision of paragraph (a) of this article, the present Agreement shall be applied provisionally when it has been approved by the Economic and Social Council upon authorization of the

²³ Report of the World Food Conference, Rome, 5-16 November 1974 (United Nations publication, Sales No. E.75.II.A.3), chap. I.

²⁴ See Food and Agriculture Organization of the United Nations, Report of the World Conference on Agrarian Reform and Rural Development, Rome, 12-20 July 1979 (WCARRD/REP), part one.

²⁵ Resolution 39/29, annex.

²⁶ Official Records of the General Assembly, Fortieth Session, Supplement No. 19 (A/40/19), part one.