

UNITED NATIONS, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, INTERNATIONAL CIVIL AVIATION ORGANIZATION, INTERNATIONAL LABOUR ORGANISATION, UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, WORLD HEALTH ORGANIZATION

and

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, (Administering Power of the territories of CYRENAICA and TRIPOLITANIA)

Basic Agreement (with annex) for the provision of technical assistance. Signed at Lake Success, New York, on 15 December 1950

Supplementary Agreement No. 1 between the United Nations and the Food and Agriculture Organization of the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland, for the provision of technical assistance. Signed at Lake Success, New York, on 15 December 1950

Official texts: English.

Registered ex officio on 15 December 1950.

No. 985. BASIC AGREEMENT¹ BETWEEN THE UNITED NATIONS, THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, THE INTERNATIONAL LABOUR ORGANISATION, THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION AND THE WORLD HEALTH ORGANIZATION AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND BEING THE ADMINISTERING POWER OF THE TERRITORIES OF CYRENAICA AND TRIPOLITANIA, FOR THE PROVISION OF TECHNICAL ASSISTANCE. SIGNED AT LAKE SUCCESS, NEW YORK, ON 15 DECEMBER 1950

The United Nations, the Food and Agriculture Organisation of the United Nations, the International Civil Aviation Organisation, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organisation, and the World Health Organisation, (hereinafter referred to as "the Organisations"), being represented on the Technical Assistance Board, and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the Administering Power");

Considering the recommendations of the Economic and Social Council of the United Nations made in its resolution number 222 (IX) of 15 August 1949; ²

Desiring to give effect to the resolutions respectively of the General Assembly of the United Nations and of the Assemblies and Conferences of the other Organisations on an expanded programme of technical assistance for economic development of under-developed countries, which approved the observations and guiding principles set out in Annex I³ to part "A" of that resolution, and the arrangements made by the Council for the administration of the programme;

¹ Came into force on 15 December 1950, upon signature, in accordance with article V.

² United Nations. Document E/1553.

³ See page 132.

Recalling resolution number 322 B (XI)¹ of the Economic and Social Council which recognized that the people in Libya stand in great need of assistance in the development of their economy and in the establishment of an efficient public administration;

Considering that the Administering Power, as the Government at present responsible for the administration of the territories of Cyrenaica and Tripolitania, (hereinafter referred to as "the territories") has requested technical assistance from the Organisations; and

Considering further that the Organisations and the Administering Power, desire that their mutual responsibilities shall be fulfilled in a spirit of friendly co-operation;

Have agreed as follows:

Article I

1. The organisations shall, subject to the provisions of the present Agreement (hereinafter referred to as "the Basic Agreement") and, so far as relevant, in accordance with the „Observations on and Guiding Principles of an Expanded Programme of Technical Assistance for Economic Development," set out in Annex I to Part "A" of Resolution 222 A (IX) of the Economic and Social Council of the United Nations (a copy of which is annexed hereto),² render such technical assistance to the Administering Power as shall be set out in Supplementary Agreements to be made pursuant to the basic Agreement (hereinafter referred to as "the Supplementary Agreements"), between the Administering Power and one or more of the Organisations.
2. The Organisations party to any one of the Supplementary Agreements shall consult with the Administering Power in connection with the appointment of any experts under that Supplementary Agreement.
3. Such experts shall be responsible to, and under the supervision and direction of the Organisations concerned, except that, in so far as an expert is required to perform executive functions or to give instruction, he shall be responsible to the Department of the Administration immediately concerned.
4. Such experts shall, in the course of their work, make every effort to instruct any technical staff of the Administering Power, who may be associated with them, in the methods, techniques and practices of that work and in the principles upon which these are based, and the Administering

¹ United Nations document E/1849.

² See p. 132.

Power shall, wherever practicable, attach technical staff to the experts for this purpose.

5. The Organisations concerned shall, in connection with any fellowships or scholarships awarded to nominees of the Administering Power, provide such fellowships and scholarships in accordance with the administrative and other arrangements which have been drawn up by the respective Organisations for their programmes.

6. The Organisations concerned shall, with respect to any technical equipment or supplies which may be furnished by them under any of the Supplementary Agreements, retain title thereto until such time as title may be transferred, on terms and conditions to be agreed upon between those Organisations and the Administering Power.

7. The Organisations concerned may, as part of the technical assistance furnished under any of the Supplementary Agreements, make arrangements for the carrying out of laboratory or other tests, experiments or research, outside of the territories.

Article II

The Administering Power shall, in receiving such technical assistance as shall be set out in the Supplementary Agreements, comply, where applicable, with those provisions of Annex I to Part "A" of the Economic and Social Council Resolution No. 222 (IX) which are set out under the heading of "Participation of Requesting Governments."¹

Article III

1. The Organisations concerned shall, in respect of the technical assistance provided under any of the Supplementary Agreements, defray those costs which are payable outside of the territories, or such proportions thereof as may be specified in any of the Supplementary Agreements regarding:

- (a) the salaries of the experts;
- (b) subsistence and travel of the experts to and from the place of recruitment and the place of entry into the territories as well as displacement allowance, where applicable;
- (c) any other necessary travel expenses of the experts outside of the territories;
- (d) insurance of the experts;

¹ See p. 136.

- (e) purchase and transportation to the territories of any equipment or supplies which may be provided by the Organisations for the implementation of any technical assistance;
 - (f) any other expenses incurred outside the territories and necessary for the provision of technical assistance.
2. In addition to the obligations of the Organisations under paragraph 1 above, the United Nations shall provide, through its Mission in Libya, office space, secretarial assistance, communication services, interpreting and translation services, local transportation (including transportation between Cyrenaica and Tripolitania, as necessary), disbursement of subsistence allowances and other payments, and other appropriate supporting services within the facilities of the Mission.
3. The Administering Power shall assume responsibility for such part of the costs incidental to the furnishing of technical assistance as can be paid for in local currency, to the extent that may be specified in any of the Supplementary Agreements.
4. For the purpose of meeting its obligations under paragraph 2 above, the Administering Power shall establish, maintain and place at the disposal of the United Nations Mission in Libya, a local currency fund or funds in such amounts and under such procedures as may be specified in any of the Supplementary Agreements. Any unused balances shall be returned to the Administering Power, after due rendering of accounts.
5. In lieu of making payment in accordance with paragraph 3 above, the Administering Power may give supplies and services in kind, to the extent that may be agreed upon between the Administering Power and the United Nations Mission in Libya.
6. In appropriate cases, the Administering Power shall also provide such land, labor, equipment, or property as may be required, to be determined as the need arises, in agreement with the Organisations concerned.

Article IV

The Administering Power shall, in conformity with the Convention¹ on the Privileges and Immunities of the United Nations and the Convention²

¹ United Nations, *Treaty Series*, Vol. 1, pp. 15 and 263; Vol. 4, p. 461; Vol. 5, p. 413; Vol. 6, p. 433; Vol. 7, p. 353; Vol. 9, p. 398; Vol. 11, p. 406; Vol. 12, p. 416; Vol. 14, p. 490; Vol. 15, p. 442; Vol. 18, p. 382; Vol. 26, p. 396; Vol. 42, p. 354; Vol. 43, p. 335; Vol. 45, p. 318; Vol. 66, p. 346, and Vol. 70, p. 266.

² United Nations, *Treaty Series*, Vol. 33, p. 261; Vol. 43, p. 342; Vol. 46, p. 355; Vol. 51, p. 330, and Vol. 71, pp. 316, 318 and 320.

on the Privileges and Immunities of the Specialized Agencies, to which it has acceded, issue any necessary administrative instructions according to the Organisations and their experts in the territories all the privileges and immunities for which provision is made in those Conventions.

Article V

1. The Basic Agreement shall enter into force upon signature.
2. The Basic Agreement and any of the Supplementary Agreements made pursuant hereto may be modified by agreement between the Organisations and the Administering Power, each of which shall give full and sympathetic consideration to any request by the other for such modification.
3. The Basic Agreement may be terminated by either party upon written notice to the other, and shall terminate sixty days after receipt of such notice. Termination of the Basic Agreement shall be deemed to constitute termination of the Supplementary Agreements. This Agreement shall in any case be terminated upon the achievement of independence by Libya, which is to take place not later than the First of January 1952.

IN WITNESS WHEREOF the undersigned, duly appointed representatives of the Organisations and the Administering Power respectively, have on behalf of the Parties, signed the present agreement at Lake Success this fifteenth day of December 1950 in English in two copies.

For The United Nations, The Food and Agriculture Organisation of the United Nations, The International Civil Aviation Organisation, The International Labour Organisation, The United Nations Educational, Scientific and Cultural Organisation and The World Health Organisation:

Trygve LIE

Chairman of the Technical Assistance Board

For The Government of the United Kingdom of Great Britain and Northern Ireland:

K. G. YOUNGER

ANNEX

RESOLUTION 222 (IX) OF THE ECONOMIC AND SOCIAL COUNCIL
ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES*Resolutions of 14 and 15 August 1949*

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ANNEX I

OBSERVATIONS ON AND GUIDING PRINCIPLES OF AN EXPANDED PROGRAMME OF
TECHNICAL ASSISTANCE FOR ECONOMIC DEVELOPMENT

The Council recommends the following principles to serve as guides to the United Nations and specialized agencies participating in the expanded programme¹ of technical assistance, hereinafter called the "participating organizations":

General principles

The participating organizations should, in extending technical assistance for economic development of under-developed countries:

1. Regard it as a primary objective to help those countries to strengthen their national economies through the development of their industries and agriculture, with a view to promoting their economic and political independence in the spirit of the Charter of the United Nations, and to ensure the attainment of higher levels of economic and social welfare for their entire populations;

2. Observe the following general principles laid down in General Assembly resolution 200 (III)²:

(a) Technical assistance for economic development of under-developed countries shall be rendered by the participating organizations only in agreement with the Governments concerned and on the basis of requests received from them;

(b) The kinds of services to be rendered to each country shall be decided by the Government concerned;

¹ Although the word "programme" is employed in this connexion, it is not contemplated that all projects described in the "programme" would or should be executed; rather what is contemplated is that the United Nations and the specialized agencies should hold themselves ready to render to the under-developed countries, at their request, the types of technical services which are described in the "programme" and which are designed to assist them in their economic development.

² United Nations document A/810.

(c) The countries desiring assistance should perform, in advance, as much of the work as possible in order to define the nature and scope of the problem involved;

(d) The technical assistance furnished shall:

(i) Not be a means of foreign economic and political interference in the internal affairs of the country concerned and not be accompanied by any considerations of a political nature;

(ii) Be given only to or through Governments;

(iii) Be designed to meet the needs of the country concerned; and

(iv) Be provided as far as possible in the form which that country desires;

3. Avoid distinctions arising from the political structure of the country requesting assistance, or from the race or religion of its population.

Standards of work and personnel

1. The highest professional competence should be maintained in all services undertaken by the participating organizations in rendering technical assistance to requesting countries.

2. Experts should be chosen not only for their technical competence, but also for their sympathetic understanding of the cultural backgrounds and specific needs of the countries to be assisted and for their capacity to adapt methods of work to local conditions, social and material.

3. Adequate preparation of experts should be provided before assignments are undertaken; such preparation should be designed to give understanding of the broad objectives of the common effort and to encourage open-mindedness and adaptability.

4. Experts and groups of experts visiting a country should not engage in political, commercial, or any activities other than those for which they are sent. The scope of their duties should be strictly defined in each case by agreement between the country requesting assistance and the organizations providing assistance.

5. Even when allocations are committed, projects should not be commenced unless properly qualified experts and assistants have been secured and trained.

6. All Governments should be invited to co-operate in the securing and selecting of qualified staff and to facilitate, when necessary, arrangements for their temporary release and for their continued employment on return.

7. Universities, technical schools, foundations, research institutions and other non-governmental sources from which experts may be drawn should be encouraged to release experts for field assignments under the programme, to arrange for their continued employment on return and to undertake special research projects on problems related to economic development.

Participation of requesting Governments

The requesting Governments should be expected to agree:

1. To facilitate the activities requested from the participating organizations by assisting them to obtain the necessary information about the problems on which they have been asked to help, such information to be limited strictly to questions directly related to the concrete requests for technical assistance; and, whenever appropriate, to facilitate their contacts with individuals and groups, in addition to Government agencies, concerned with the same or related problems;

2. To give full and prompt consideration to the technical advice they receive as a result of their co-operation with the participating organizations in response to the requests they have initiated;

3. To undertake to maintain or set up as soon as practicable such governmental co-ordination machinery as may be needed to ensure that their own technical, natural and financial resources are mobilized, canalized and utilized in the interest of economic development designed to improve the standard of living of their peoples and through which the effective use of any major international technical assistance resources could be assured;

4. Normally to assume responsibility for a substantial part of the costs of technical services with which they are provided, at least that part which can be paid in their own currencies;

5. To undertake the sustained efforts required for economic development, including continuing support and progressive assumption of financial responsibility for the administration of projects initiated at their request under international auspices;

6. To publish information or provide for study and analysis material suitable for publication regarding the results of the technical assistance rendered and the experience derived therefrom, so that it may be of value to other countries and to the international organizations rendering technical assistance;

7. To inform the participating organizations, whenever technical assistance is requested, of all assistance which they are already receiving or requesting from other sources in the same field of development;

8. To give publicity to the programme within their countries.

Co-ordination of effort

1. The projects falling within the competence of participating organizations should be carried out by them, and the co-ordination of their work should be effected, with due regard to their constitutions and the relations established between them.

2. The work undertaken by the participating organizations under the expanded technical assistance programme should be such as to be suitable for integration with their normal work.

3. Arrangements should be made for requests for assistance within the sphere of two or more organizations to be handled jointly by the organizations concerned,

and there should be co-ordination among the participating organizations at the planning level before commitments by them are entered into with Governments.

4. Technical assistance activities which are not at the present time the special responsibility of any specialized agency, such as certain aspects of industrial development, manufacturing, mining, power, and land and water transport, should be undertaken by the Secretary-General of the United Nations.

5. All requests for technical assistance which involve comprehensive or regional development projects falling within the purview of more than one organization should first be submitted to joint examination by the organizations concerned; such requests should be directed to the Secretary-General of the United Nations.

6. Programmes of training should be the subject of co-operative action among participating organizations.

Concentration and economy

Within the wide range of activities envisaged, the participating organizations should practise, especially in the initial stages of their programmes, concentration of effort and economy. The participating organizations should also ensure the fullest use of any existing facilities.

Selection of projects

1. The participating organizations, in deciding on a request for assistance, should be guided solely by the Charter of the United Nations, by the principles of the United Nations programme for technical assistance and by appropriate resolutions of the General Assembly and of the Economic and Social Council. The services envisaged should aim at increased productivity of material and human resources and a wide and equitable distribution of the benefits of such increased productivity, so as to contribute to the realization of higher standards of living for the entire populations. Due attention and respect should be paid to the national sovereignty and national legislation of the under-developed countries and to the social conditions which directly affect their economic development. Requests for technical assistance may therefore be approved which will help Governments to take account of the probable consequences of proposed projects for economic development in terms of the welfare of the population as a whole, including the promotion of full employment, and also to take account of those social conditions, customs and values in a given area which would directly influence the kinds of economic development that may be feasible and desirable. Similarly, requests may also be approved for technical assistance to Governments desiring to undertake the specific social improvements that are necessary to permit effective economic development and to mitigate the social problems—particularly problems of dislocation of family and community life—that may arise as a concomitant of economic change. As in any national programme for economic development any increased

services undertaken by the Government can be maintained, in the long run, only out of national production, special attention should be given in timing and emphasis to activities tending to bring an early increase in national productivity of material and human resources.

2. The participating organizations, when reviewing and placing in order of priority the requests which they receive, should so far as possible ensure that due regard is paid to the urgency of the needs of the various applicants and to their geographical distribution.

3. In response to requests from Governments, especially in connexion with plans for economic development, special consideration should be given to resources and methods of financing the development. It is recommended therefore that participating organizations, before undertaking work of an extensive character involving substantial cost, should assure themselves that Governments requesting such assistance are giving full consideration to major capital investment or large continued governmental expenditure which may be needed as a result of this technical assistance. Governments may also require advice concerning conditions and methods of financing appropriate to such projects. Close co-operation among the participating organizations in responding to requests for technical assistance can facilitate the attainment of this objective.

4. Requests for the furnishing of equipment and supplies may be considered in so far as they form an integral part of a project of technical assistance.

SUPPLEMENTARY AGREEMENT No. 1¹ BETWEEN THE UNITED NATIONS AND THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, BEING THE ADMINISTERING POWER OF THE TERRITORIES OF CYRENAICA AND TRIPOLITANIA. SIGNED AT LAKE SUCCESS, NEW YORK, ON 15 DECEMBER 1950

The United Nations and the Food and Agriculture Organisation of the United Nations (hereinafter referred to as "the Organisations") and the Government of the United Kingdom of Great Britain and Northern Ireland, being the Administering Power of the territories of Cyrenaica and Tripolitania (hereinafter referred to as "the Administering Power") acting pursuant to the Basic Agreement² for Technical Assistance signed on 15 December between the Organisations represented on the Technical Assistance Board and the Administering Power,

Have agreed as follows:

Article I

1. The Organisations shall provide, as soon hereafter as practicable, and subject to the provisions of the Basic Agreement, the services of experts, to advise the Administering Power as follows:

- (a) one expert, a general economist, who shall also act as the senior member of the group of experts, for a period of approximately from six to nine months, to make an appraisal of the economic position and the economic potentialities of the territories and to make recommendations regarding the economic and social development of the territories;
- (b) one public finance expert, for a period of one year, to collaborate with the general economist in his appraisal, and to offer expert advice in the field of public finance;
- (c) one public finance expert, for a period of approximately three months, to collect, clarify and present, for study and further use, in conjunction with the Administering Power, such information as is at present available on public finance in the territories;

¹ Came into force on 15 December 1950, upon signature, in accordance with article III.

² See p. 122.

- (d) one statistician, for a period of approximately three months, to assist in planning and initiating a system for the registration and compilation of essential vital statistics;
- (e) one electric power expert, for a period of approximately three months, to assess the immediate and future electric power requirements of the territories;
- (f) one agronomist, for a period of approximately six months, to make a study of the agricultural resources of the territories and to make proposals and recommendations for improved methods of crop cultivation, of better diversification of crops and for the adoption of any other measures which may lead to an increased agricultural production;
- (g) one expert on irrigated soils, for a period of approximately three months, to make an investigation of present irrigation practices and an appraisal of the possibilities of extension of irrigation on additional land, having regard to the present sources of supply, including their quality and suitability for such land;
- (h) one agricultural expert, in the field of viticulture, for a period of approximately three months, to make an appraisal of present and potential viticultural production in the territories, to make recommendations for improvements in methods and for possible diversification;
- (i) one expert, in the field of primary wool production, for a period of approximately three months, to report on present methods of shearing, grading and cleaning in preparation for export and to make recommendations for improvements in methods used;
- (j) one expert, in the field of social welfare, for a period of approximately six months, to make a survey of existing official and private social welfare services and to formulate short and long term programmes for the development of social welfare services in relation to the proposals of the economic experts and to the present status of social development in the territories;

2. In the performance of their duties, the experts shall work in close consultation and full co-operation with the competent agencies and officials of the Administering Power, with any associated authorities charged with development projects in the country and with the United Nations Mission in Libya. They will keep the Organisations informed of development plans, proposals and demands, as well as of the progress of any projects undertaken and technical assistance activities pursued in the territories.

Article II

1. The Administering Power shall, under the provisions of paragraph 3 of Article III of the Basic Agreement, undertake the following:

(a) To provide subsistence for the experts in accordance with the following scale:

(i) *For experts with dependents (accompanying or unaccompanying)* — Subsistence allowance, to cover board, lodging and incidental expenses at the rate of the equivalent of U.S. \$8.50 per day during the first year of service and thereafter at the rate of the equivalent of U.S. \$150 per month.

(ii) *For experts without dependents* — Subsistence allowance, to cover board, lodging and incidental expenses at the rate of the equivalent of U.S. \$5.50 per day during the first year of service and thereafter at the rate of the equivalent of U.S. \$100 per month.

For purposes of calculating these allowances in terms of the local currency used, the rate of 171.2756 (one hundred and seventy one and two thousand seven hundred and fifty six ten thousandths) military administration lira to U.S. \$1 (one U.S. dollar) shall be employed for use in Tripolitania. Further exchange of military administration lira into Egyptian pounds, for use in Cyrenaica, shall be facilitated by the Administering Power.

(b) To defray the cost of medical care and hospitalization for the experts, and any immediate dependents who may accompany them.

2. The Administering Power shall, in accordance with paragraph 4 of Article III of the Basic Agreement, establish a local currency fund for the defraying of local currency expenses under the requirements of this Supplementary Agreement, to be deposited with the United Nations Mission in Libya. The amount of 2,000,000 (two million) military administration lira shall be deposited initially, being the estimated total requirements for six months.

Article III

1. This Supplementary Agreement shall come into force upon signature.

2. This Supplementary Agreement may be modified by agreement between the Organisations and the Administering Power in accordance with Article V of the Basic Agreement.

3. This Supplementary Agreement may be terminated by either party upon written notice to the other, and shall terminate sixty days after receipt of such notice. Termination of this Supplementary Agreement shall not be deemed to affect the Basic Agreement. This Agreement shall in any case be terminated upon the achievement of independence by Libya, which is to take place not later than the First of January 1952.

IN WITNESS WHEREOF the undersigned, duly appointed representatives of the Organisations and the Administering Power respectively have, on behalf of the Parties, signed this Supplementary Agreement No. 1 at Lake Success this fifteenth day of December 1950 in English in two copies.

For The United Nations:

Trygve LIE

For The Food and Agriculture Organisation
of the United Nations:

William McCaw

For The Government of the United Kingdom
of Great Britain and Northern Ireland:

K. G. YOUNGER
