

No. 3266

**UNITED NATIONS
and
INDONESIA**

**Revised Agreement for the provision of technical assistance
in respect of the State Planning Bureau. Signed at
Djakarta, on 17 April 1956**

Official text: English.

Registered ex officio on 17 April 1956.

**ORGANISATION DES NATIONS UNIES
et
INDONÉSIE**

**Accord révisé relatif à la fourniture d'une assistance
technique en ce qui concerne le Bureau national de
planification. Signé à Djakarta, le 17 avril 1956**

Texte officiel anglais.

Enregistré d'office le 17 avril 1956.

No. 3266. REVISED AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF INDONESIA FOR THE PROVISION OF TECHNICAL ASSISTANCE IN RESPECT OF THE STATE PLANNING BUREAU. SIGNED AT DJAKARTA, ON 17 APRIL 1956

Preamble

Considering that the Government of Indonesia has requested the United Nations to render technical assistance in respect of the State Planning Bureau, composed of experts in various fields of economic development, which Bureau functions as a research and advisory organ of the State Planning Board having power to prepare general as well as specific plans for the economic advancement of Indonesia ;

Considering that the United Nations is prepared to co-operate with the Government of Indonesia by providing experts to serve on the staff of the State Planning Bureau (hereinafter referred to as the Planning Bureau) and funds to assist in financing their employment ;

The Contracting Parties (hereinafter referred to respectively as the United Nations and the Government) have concluded the present agreement for the purposes therein specified, the several articles and provisions of which are as follows :

Article I

The implementation of this Agreement shall be subject to the relevant resolutions and decisions of the competent organs of the United Nations and, in particular, to the Observations and Guiding Principles set forth in Annex I² of resolution 222 (IX), as amended, and to resolution 542 B II (XVIII)³ of the Economic and Social Council, regarding the United Nations Expanded Programme of Technical Assistance for the Economic Development of under-developed Countries.

Article II

a) The Government requests the United Nations to provide for service with the Planning Bureau during the year 1956 eight advisers in the substantive fields indicated below :

¹ Came into force on 17 April 1956, the date of signature, in accordance with article XII.

² United Nations, *Treaty Series*, Vol. 76, p. 132.

³ United Nations, *Official Records of the Economic and Social Council, Eighteenth Session, Supplement No I (E/2654, p. 6)*.

Monetary and fiscal matters,
Population questions bearing on development planning,

Agricultural economy,
Mineral resources and their utilization,
Water power utilization,
Development of forest industries,
Industrial development economics,
Marketing in relation to industrial development.

b) The nomination and recruiting by the United Nations of eight advisers in the above fields does not preclude the Government from requesting for service with the Planning Bureau such further advisers, deemed necessary by the Government, as the United Nations may be in a position to provide for the purpose.

c) It is the understanding of both parties to the present Agreement that the advisers provided by the United Nations to serve on the staff of the Planning Bureau may be drawn upon, as appropriate, for advisory services within their respective fields of knowledge and experience to be rendered also to other branches of the Government Administration and, inversely, that United Nations provided experts working in any individual ministry under technical assistance arrangements may be made use of as appropriate and at the discretion of the Government to render advisory services to the Planning Bureau.

d) In addition to the advisers provided in accordance with paragraphs (a) and (b) of this Article, the Government requests the United Nations to make available to the Planning Bureau two internationally recruited secretaries to help servicing the advisers and, for at least half of their combined working hours, to render secretarial training instructor services under directives and arrangements laid down by the Director of the Planning Bureau.

Article III

a) Once a year during the period covered by the present agreement and more precisely in connection with the negotiations preparatory to the formulation of the Government's annual country-programme proposal for the technical assistance requested from the organizations represented on the United Nations Technical Assistance Board, the fields to be taken into account in recruiting advisers for service with the Planning Bureau as per Article II above and the number of such advisers will be reviewed by the two Parties in consultation with each other and determined by mutual consent between them.

b) The United Nations will furnish the Government with the names and qualifications of an adequate number of candidates for the adviser posts thus agreed upon and will in nominating such candidates consult, as appropriate, with

the other organizations, members of the Technical Assistance Board. The candidates nominated shall be persons of proven technical competence and experience and of unquestionable integrity, and are to be selected from various countries. From the candidates so nominated, the Government will select, appoint, and employ the incumbents for the agreed adviser posts to serve on the staff of the Planning Bureau and be responsible to and subject to instructions from the Government.

c) The advisers so employed for service with the Planning Bureau shall hold individual contracts of employment for specified periods, which contracts are to be concluded between them and the Director of the Bureau on behalf of the Government. If, for any reason, any adviser so employed should prove unsatisfactory to the Government, such adviser may, after consultation with the United Nations, be relieved of his (her) functions, in compliance with the standard proviso for such contingency to be laid down in the contract of employment. In analogous situations the Government may request withdrawal and replacement of anyone or both of the internationally recruited secretaries made available to the Planning Bureau under Article II (d) above.

Article IV

To help lessen in due course the dependence of the Planning Bureau on recruitment from outside Indonesia of technical advisers serving on the staff of the Bureau, the United Nations stands ready to assist in the strengthening of the technical competence and experience of available Indonesian expertise by means of providing scholarships and fellowships for this purpose to suitable Indonesian officials nominated by the Planning Bureau.

Article V

a) In recognition of the interest of the United Nations in the purpose and task of the Planning Bureau, the Government agrees to forward by the middle of each year to the Technical Assistance Administration for study and information a report on the individual advisers' contribution to the work of the Bureau.

b) To the same end it is hereby agreed that the individual advisers provided to the Planning Bureau by the United Nations will prepare at three months intervals and send to the Technical Assistance Administration adequate reports of their own on the progress of their work. They will also be free to consult, through the channel of the Technical Assistance Administration, the technically competent services of the substantive departments of the United Nations Secretariat on any aspect of their work for the Planning Bureau and seek such advice and reference material as may be of help to them in the performance of their work. It is further agreed that the above referred to three-monthly reports and substantive correspondence between the individual advisers and United Nations Headquarters and vice versa shall be seen by and routed through the Director of the Planning Bureau.

c) The task of maintaining liaison between United Nations Headquarters and the Planning Bureau has been entrusted by the Secretary-General to the Resident Representative of the Technical Assistance Board as a specific assignment within his general duties under Economic and Social Council Resolution 542 B II (XVIII).

Article VI

The personnel furnished by the United Nations for service on the staff of the Planning Bureau as technical advisers in the employ of and responsible to the Government will be governed by the relevant provisions of the United Nations Staff Rules and Regulations Governing Technical Assistance Project Personnel, subject to the conditions given below regarding the initial salary payable to any individual adviser.

Article VII

The cost of the advisers provided to the Government of Indonesia under the terms of this agreement by the United Nations will be shared between the United Nations and the Government as follows :

a) The United Nations will undertake to make all payments relating to the salary of an adviser, including his monthly salary which for the initial twelve months of his service shall not exceed, but may be less than US \$800 or equivalent per month, any salary increments which he may receive in accordance with Rule 203.4 of the United Nations Staff Rules and Regulations Governing Technical Assistance Project Personnel, payment for leave accrued at the end of his (her) assignment, as well as any income tax which the adviser may have to pay to his national government, or to the government of his country of permanent residence, on any salary or compensation received while in the service of the Government of Indonesia.

b) The Government of Indonesia shall pay or reimburse to an adviser all other sums to which he is entitled under the terms of his individual contract including, in particular, subsistence at the rates established by the TAB, and travel expenditures for himself and for members of his family, if and when appropriate.

Article VIII

Any liabilities or obligations, including accrued emoluments, cost of repatriation, termination indemnities, compensation and other claims arising from the adviser's contract of employment which are not met by the Government, may be paid by the United Nations within the limits of the funds appropriated by it each year for the financing of its agreed assistance to the Planning Bureau.

Article IX

In order to obtain the services of persons of desired high qualifications to serve as advisers on the staff of the Planning Bureau, the Government shall furnish them with contracts of employment in which shall be included all provisions intended to govern their legal rights and duties as employees of the Government, as well as provisions regarding salary, benefits and leave, duration of employment, and arbitration of differences as arising under the contract. Nothing in the conditions of employment shall be intended to affect the nationality or citizenship of the advisers so employed.

Article X

The contracts of employment shall provide for such privileges and immunities applicable under Article V of the Revised Basic Agreement of 29 October 1954¹ for the provision of United Nations Technical Assistance to Indonesia, as are deemed essential for efficient rendering of the assistance provided by the United Nations to the Planning Bureau and as are also deemed compatible with the advisers' status as members of the staff of the Planning Bureau. In particular, no taxes, imposts or similar restrictions shall be imposed by the Government on any payments made whether directly or indirectly from United Nations sources to the advisers.

Article XI

It is understood that the conclusion and the full discharge of the advisers' employment contracts constitute an essential element of the undertakings exchanged between the Parties to the present Agreement. The general terms uniformly to be applied in these contracts shall form part of this Agreement and are accordingly set out in Annex I² hereof.

Article XII

This Agreement shall enter into force on the day on which it is signed. It shall remain in effect for a period of three years or, in the event that either Party shall give notice to the other of its intention to terminate the Agreement, until three months from the date of such notice. This Agreement may be extended by the Parties by mutual consent evidenced in an exchange of letters or notes.

Article XIII

If, during the life of this Agreement, either Party should consider that it should be amended, it will so notify the other Party in writing, and the two Parties shall thereupon consult with a view to agreeing upon the amendment.

¹ United Nations, *Treaty Series*, Vol. 201, p. 115.

² See p. 278 of this volume.

Article XIV

Any dispute between the Parties concerning the interpretation or application of this Agreement, or of any supplementary agreement relating to this Agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the United Nations, one to be named by the Government of Indonesia, and the third to be chosen by the two, or if they should fail to agree upon a third, then by the President of the International Court of Justice.

Article XV

Agreements or arrangements supplementary to this Agreement may be concluded between the Parties and may remain in force independently of the life of this Agreement for such periods as may be determined in each such supplementary agreement or arrangement.

Article XVI

The present Agreement shall supersede and replace the Agreement regarding provision of United Nations Technical Assistance to the State Planning Bureau, concluded on 6 February 1952,¹ as well as any subsequent amendments thereto.

IN WITNESS WHEREOF, the undersigned, duly appointed representatives of the Government and of the United Nations respectively, have, on behalf of the Parties, signed the present Agreement at Djakarta, on this seventeenth day of April 1956, in the English language, in two copies.

For the Government of Indonesia
(Signed) Dr. R. DJUANDA
Minister of State for Planning

For the United Nations :
(Signed) Ansgar ROSENBERG
Resident Representative of the
Technical Assistance Board

ANNEX

CONTRACT OF EMPLOYMENT

[Not published herein, the text being identical with that published in United Nations, Treaty Series, Vol. 121, pp. 14 to 22, except that in the present Contract no figures are specified in paragraph 4 (a) and (b) and in paragraph 7.]

¹ United Nations, *Treaty Series*, Vol. 121, p. 3 ; Vol. 137, p. 390 ; Vol. 191, p. 396, and p. 305 of this volume.