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No. 8527

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UNITED NATIONS DEVELOPMENT PROGRAMME  
(SPECIAL FUND),  
UNITED NATIONS,  
INTERNATIONAL LABOUR ORGANISATION,  
FOOD AND AGRICULTURE ORGANIZATION  
OF THE UNITED NATIONS,  
UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION,  
INTERNATIONAL CIVIL AVIATION  
ORGANIZATION,  
WORLD HEALTH ORGANIZATION,  
INTERNATIONAL TELECOMMUNICATION UNION,  
WORLD METEOROLOGICAL ORGANIZATION,  
INTERNATIONAL ATOMIC ENERGY AGENCY,  
UNIVERSAL POSTAL UNION and  
INTER-GOVERNMENTAL MARITIME  
CONSULTATIVE ORGANIZATION  
and  
INDONESIA

Exchange of letters (with attachment) constituting an agreement by which the Agreement between the United Nations Special Fund and the Government of Indonesia concerning assistance from the Special Fund, signed at Djakarta on 7 October 1960, and the Revised Basic Agreement for the provision of technical assistance between the Organizations members of the United Nations Technical Assistance Board and the Government of Indonesia, signed at Djakarta on 29 October 1954, are deemed revived and applicable to activities of the United Nations Development Programme in Indonesia subject, as regards the second of those Agreements, to certain amendments thereto. New York, 1 November 1966, and Djakarta, 17 November 1966 and 25 January 1967

*Official text : English.*

*Registered ex officio on 25 January 1967.*

No. 8527. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED NATIONS DEVELOPMENT PROGRAMME (SPECIAL FUND), THE UNITED NATIONS, THE INTERNATIONAL LABOUR ORGANISATION, THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, THE WORLD HEALTH ORGANIZATION, THE INTERNATIONAL TELECOMMUNICATION UNION, THE WORLD METEOROLOGICAL ORGANIZATION, THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE UNIVERSAL POSTAL UNION AND THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION, ON THE ONE HAND, AND INDONESIA, ON THE OTHER HAND, BY WHICH THE AGREEMENT BETWEEN THE UNITED NATIONS SPECIAL FUND AND THE GOVERNMENT OF INDONESIA CONCERNING ASSISTANCE FROM THE SPECIAL FUND, SIGNED AT DJAKARTA ON 7 OCTOBER 1960,<sup>2</sup> AND THE REVISED BASIC AGREEMENT FOR THE PROVISION OF TECHNICAL ASSISTANCE BETWEEN THE ORGANIZATIONS MEMBERS OF THE UNITED NATIONS TECHNICAL ASSISTANCE BOARD AND THE GOVERNMENT OF INDONESIA, SIGNED AT DJAKARTA ON 29 OCTOBER 1954,<sup>3</sup> ARE DEEMED REVIVED AND APPLICABLE TO ACTIVITIES OF THE UNITED NATIONS DEVELOPMENT PROGRAMME IN INDONESIA SUBJECT, AS REGARDS THE SECOND OF THOSE AGREEMENTS, TO CERTAIN AMENDMENTS THERETO. NEW YORK, 1 NOVEMBER 1966, AND DJAKARTA, 17 NOVEMBER 1966 AND 25 JANUARY 1967

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I

UNDP 04 INDONESIA

1 November 1966

Sir,

I have the honour to refer to your letter of 3 October 1966 in which you request that the provision of assistance to Indonesia under the constituent sectors of the United Nations Development Programme should be resumed.

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<sup>1</sup> Came into force on 17 November 1966 by the exchange of the said letters.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 378, p. 141.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 201, p. 115.

As you are aware, the agreement entered into on 7 October 1960<sup>1</sup> by your Government and the Special Fund, as well as the agreement entered into on 29 October 1954<sup>2</sup> between your Government and the Organizations participating in the expanded programme of Technical Assistance, were terminated with effect on 18 and 17 May 1965 by exchange of letters dated 10 March and 8 April 1965, and 10 March and 30 March 1965, respectively, between your Government and the then executive heads of the constituent sectors of the United Nations Development Programme. In order to provide a basis for the resumption of activities of the United Nations Development Programme in Indonesia, I have the honour to propose as an interim measure that these agreements should be deemed revived and should apply to activities of the programme in your country subject, in the case of the agreement concluded on 29 October 1954, to the amendments set out in the attachment hereto. This arrangement would remain in force until such time as your Government and the United Nations Development Programme conclude a new agreement to take the place of those referred to above.

If your Government should find the foregoing proposals acceptable, I should be grateful to receive its reply to that effect. This letter together with your reply will then be deemed to constitute an agreement in the matter between your Government and the United Nations Development Programme.

Accept, Sir, the assurances of my highest consideration.

His Excellency Mr. Adam Malik  
Minister for Foreign Affairs  
Department of Foreign Affairs  
Djakarta, Republic of Indonesia

David OWEN  
Co-Administrator

AMENDMENTS TO THE REVISED BASIC AGREEMENT FOR THE PROVISION OF TECHNICAL ASSISTANCE CONCLUDED WITH THE GOVERNMENT OF INDONESIA ON 29 OCTOBER 1954

1. Add the names of the following Agencies to the list of Organizations Parties to the Agreement :
  - a) The International Telecommunication Union
  - b) The World Meteorological Organization
  - c) The International Atomic Energy Agency
  - d) The Universal Postal Union
  - e) The Inter-Governmental Maritime Consultative Organization.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 378, p. 141.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 201, p. 115.

2. Article I, paragraph 6 : Delete the whole of paragraph 6 and substitute the following :

“ 6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Organizations and their experts, agents or employees and shall hold harmless such Organizations and their experts, agents and employees in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government, the Administrator of the United Nations Development Programme, and the Organizations concerned that such claims or liabilities arise from the gross negligence or wilful misconduct of such experts, agents, or employees. ”

3. Article IV, paragraph 2 : Delete the local cost provisions in subsections (a), (b) and (c) of paragraph 2 and substitute the following :

“ 2. (a) The local allowances of experts shall be paid by the Organizations, but the Government shall contribute towards such local allowances an amount which shall be computed by the Administrator of the United Nations Development Programme in accordance with the relevant resolutions and decisions of the Economic and Social Council, the Governing Council of the United Nations Development Programme, and other governing bodies, concerning the Technical Assistance sector of the said Programme.

“ (b) Before the beginning of each year or of a mutually agreed period of months, the Government shall pay an advance against its contribution in such amount as may be determined by the Administrator of the United Nations Development Programme under the resolutions and decisions referred to in the preceding paragraph. At the end of each such year or period, the Government will pay or be credited with, as the case may be, the difference between the amount paid by it in advance and the full amount of its contribution payable in accordance with (a) above.

“ (c) The contributions of the Government towards such local allowances shall be paid to such account as may be designated for this purpose by the Secretary-General of the United Nations, in accordance with such procedures as may be mutually agreed upon. ”

4. Article V, paragraph 1 : Delete paragraph 1 and substitute the following :

“ 1. The Government shall apply to the United Nations and its organs, including the United Nations Development Programme, its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the United Nations.

“ 2. The Government shall apply to each Specialized Agency, its property, funds and assets and to its officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies including any Annex to the Convention applicable to such Specialized Agency. In the case of the International Atomic Energy Agency, the Government shall apply to its property, funds and assets and to its officials and experts, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency. ”

## II

DEPARTMENT OF FOREIGN AFFAIRS  
REPUBLIC OF INDONESIA

Djakarta, 17 November 1966

Sir,

I have the honour to acknowledge receipt of your letter of 1st November 1966, ref. UNDP 04 Indonesia, proposing to accept the old basic agreement as an interim basis for the resumption of UNDP activities in Indonesia, subject to the amendments mentioned in said letter.

I wish to inform you that your proposals are acceptable to my Government.

With reference to the discussions we have had regarding Indonesia's local costs obligations under the technical assistance component of the UNDP, I would request you to waive, in view of our present budgetary situation, local costs for 1967. As for our local costs obligations for 1968, I propose to raise the matter again towards the end of 1967.

Accept, Sir, the assurances of my highest consideration.

Adam MALIK  
Minister for Foreign Affairs

Mr. David Owen  
Co-Administrator  
United Nations Development Programme

## III

DEPARTMENT OF FOREIGN AFFAIRS  
REPUBLIC OF INDONESIA

Djakarta, January 25, 1967

Dear Mr. Owen,

With reference to my letter dated 17 November 1966, I have the honour to inform you that the Indonesian Government's acceptance of the proposals contained in your letter of 1 November 1966, refers to both the Agreements entered into on 7 October 1960 by my Government and the Special Fund, as well as the Agreement entered into on 29 October 1954 between my Government and the Organizations participating in the Expanded Programme of Technical Assistance.

Accept, Sir, the assurances of my highest consideration.

Adam MALIK  
Minister for Foreign Affairs

Mr. David Owen  
Co-Administrator  
United Nations Development Programme