

No. 29869

**UNITED NATIONS
INDUSTRIAL DEVELOPMENT ORGANIZATION
and
JAPAN**

Exchange of notes constituting an agreement concerning the UNIDO service in Japan for the promotion of industrial investment in developing countries for the period 29 September 1992 to 31 August 1995. Vienna, 29 September 1992

Authentic text: English.

Registered by the United Nations Industrial Development Organization on 31 March 1993.

**ORGANISATION DES NATIONS UNIES
POUR LE DÉVELOPPEMENT INDUSTRIEL
et
JAPON**

Échange de notes constituant un accord relatif aux services de l'ONUDI au Japon pour la protection des investissements industriels dans les pays en développement pour la période du 29 septembre 1992 au 31 août 1995. Vienne, 29 septembre 1992

Texte authentique : anglais.

Enregistré par l'Organisation des Nations Unies pour le développement industriel le 31 mars 1993.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION AND THE GOVERNMENT OF JAPAN CONCERNING THE UNIDO SERVICE IN JAPAN FOR THE PROMOTION OF INDUSTRIAL INVESTMENT IN DEVELOPING COUNTRIES FOR THE PERIOD 29 SEPTEMBER 1992 TO 31 AUGUST 1995

I

PERMANENT MISSION OF JAPAN
VIENNA

Vienna, 29 September 1992

JPM/B-78-92

Sir,

I have the honour to refer to the Exchange of Notes between the representatives of the Government of Japan and of the United Nations Industrial Development Organization (hereinafter referred to as "UNIDO") done at Vienna on August 29, 1989 concerning the contribution of the Government of Japan for the UNIDO Service for the Promotion of Industrial Investment in Developing Countries² (hereinafter referred to as "the Service") and, taking into account that the interregional project of UNIDO for the establishment in Japan of the Service (hereinafter referred to as "the Project") terminated on August 31, 1992, to propose on behalf of the Government of Japan the following arrangements in respect of the project:

1. The objective of the Project is to strengthen the co-operation between Japan and the developing countries in the area of industrial cooperation, in the promotion of investment projects and the related transfer of technology. This objective will be furthered by close and trustful contacts between UNIDO as the UN Organization for the industrialization of developing countries and Japanese enterprises.

¹ Came into force on 29 September 1992, the date of the note in reply, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 1685, No. I-29089.

2. The duration of the Project covered by the present arrangements shall be from September 29, 1992 to August 31, 1995. For the purpose of the present arrangements, the first year shall be from September 29, 1992 to August 31, 1993, the second and third years shall be from September 1, 1993 to August 31, 1994 and from September 1, 1994 to August 31, 1995.
3. The Government of Japan, in accordance with the laws and regulations in force in Japan, shall place at the disposal of UNIDO for the purpose of meeting the costs of the Project a special-purpose contribution to the Industrial Development Fund of UNIDO in Japanese yen. Concerning the financial contribution for the first year, the amount to be placed shall be, in Japanese yen, the equivalent of one million seventy thousand US dollars (US\$1,070,000) at the exchange rate of one hundred twenty-nine yen per one US dollar. The financial contribution for the second and third years shall be made in accordance with the laws and regulations in force in Japan.
4. UNIDO, in accordance with its financial rules and other applicable regulations, shall administer the special-purpose contribution referred to in paragraph 3 above and provide the Government of Japan with an annual financial statement in respect of the special-purpose contribution.
5. The recruitment of personnel for the Service shall be effected in accordance with the staff rules and regulations of UNIDO. The appointment of the Head of the Service will be made after consultation with and respecting the opinion of the Government of Japan.
6. It is confirmed that the Convention on the Privileges and Immunities of the United Nations (1946)¹ applies to the Service in Tokyo and its personnel until the Convention on the Privileges and Immunities of the Specialized Agencies² enters into effect for Japan with respect to UNIDO, after which time the latter convention shall apply.

¹ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

² *Ibid.*, vol. 33, p. 261. For final or revised texts of annexes to the Convention transmitted to the Secretary-General subsequent to the date of its registration, see vol. 71, p. 318; vol. 79, p. 326; vol. 117, p. 386; vol. 275, p. 298; vol. 314, p. 308; vol. 323, p. 364; vol. 327, p. 326; vol. 371, p. 266; vol. 423, p. 284; vol. 559, p. 348; vol. 645, p. 340; vol. 1057, p. 320; vol. 1060, p. 337, and vol. 1482, No. A-521.

7. Any official communication from the Government of Japan to UNIDO and from UNIDO to the Government of Japan with regard to matters arising from the present arrangements shall be made through the Permanent Mission of Japan to the International Organizations in Vienna.
8. All other details necessary to implement the arrangements for the first year shall be negotiated and arranged between the Government of Japan and UNIDO before September 30, 1992, and for the second and third years before September 1, 1993, and 1994, respectively.
9. UNIDO shall submit to the Government of Japan not later than six months after completion of the Project a final report on its implementation, including the final accounts covering the utilization of the special-purpose contribution referred to in paragraph 3 above. The final report shall contain the evaluation of the Project by UNIDO on the basis of the joint evaluation which shall be carried out by both sides not later than six months prior to the expiry of the present arrangements.

I have further the honour to propose that the present Note and your Note in reply thereto confirming on behalf of UNIDO the foregoing arrangements shall be regarded as constituting an agreement between the Government of Japan and UNIDO, which will enter into force on the date of your reply.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

[Signed]

KUNISADA KUME
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative of Japan
to the United Nations
Industrial Development Organization

Mr. Charles S. Warner
Officer-in-Charge
United Nations Industrial Development Organization
Vienna

II

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION
VIENNA INTERNATIONAL CENTRE
VIENNA, AUSTRIA

29 September 1992

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

[See note I]

I have further the honour to confirm on behalf of UNIDO the foregoing arrangements and to agree that Your Excellency's Note and this Note shall be regarded as constituting an agreement between UNIDO and the Government of Japan, which will enter into force on the date of this reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

[Signed]

CHARLES S. WARNER
Officer-in-Charge

His Excellency Mr. Kunisada Kume
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
of Japan to UNIDO
Vienna
