

No. 49640*

**United Nations Industrial Development Organization
and
India**

Agreement between the United Nations Industrial Development Organization and the Government of the Republic of India regarding the establishment of a UNIDO Sub-regional Office in India covering the Islamic State of Afghanistan, the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, the Federal Democratic Republic of Nepal and the Democratic Socialist Republic of Sri Lanka (with annexes). Vienna, 7 August 2009

Entry into force: *provisionally on 7 August 2009 by signature, in accordance with article VI*

Authentic text: *English*

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**Organisation des Nations Unies pour le développement industriel
et
Inde**

Accord entre l'Organisation des Nations Unies pour le développement industriel et le Gouvernement de la République de l'Inde concernant l'établissement d'un bureau sous-régional de l'ONUDI en Inde couvrant l'État islamique d'Afghanistan, la République populaire du Bangladesh, le Royaume du Bhoutan, la République de l'Inde, la République des Maldives, la République fédérale démocratique du Népal et la République socialiste démocratique de Sri Lanka (avec annexes). Vienne, 7 août 2009

Entrée en vigueur : *provisoirement le 7 août 2009 par signature, conformément à l'article VI*

Texte authentique : anglais

Enregistrement auprès du Secrétariat des Nations Unies : Organisation des Nations Unies pour le développement industriel, 6 juin 2012

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION AND THE GOVERNMENT OF THE REPUBLIC OF INDIA REGARDING THE ESTABLISHMENT OF A UNIDO SUB-REGIONAL OFFICE IN INDIA COVERING THE ISLAMIC STATE OF AFGHANISTAN, THE PEOPLE'S REPUBLIC OF BANGLADESH, THE KINGDOM OF BHUTAN, THE REPUBLIC OF INDIA, THE REPUBLIC OF MALDIVES, THE FEDERAL DEMOCRATIC REPUBLIC OF NEPAL AND THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Preamble

WHEREAS by its resolution GC.7/Res.11 of 4 December 1997 the General Conference of the United Nations Industrial Development Organization (hereinafter "UNIDO") urged donor countries to contribute generously to the financing of field representation and urged beneficiary countries to finance the sub-regional offices in a manner proportionate to their means and resources;

WHEREAS the Government of the Republic of India (hereinafter "the Government") has requested UNIDO to establish a UNIDO Sub-regional Office to enhance its cooperation at the country level in the sub-region constituted by the Islamic State of Afghanistan, the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, the Federal Democratic Republic of Nepal and the Democratic Socialist Republic of Sri Lanka;

WHEREAS by letter D.O.NO.UNIDO-4(7)/97 of 02 May 2000, the Government has confirmed its commitment to contribute towards the cost of a UNIDO Sub-regional Office in the Republic of India; and

WHEREAS UNIDO has decided to establish a UNIDO Sub-regional Office in New Delhi, Republic of India;

NOW THEREFORE UNIDO and the Government of the Republic of India hereby agree as follows:

Article I

1. The UNIDO Sub-regional Office shall be responsible for providing technical support and advice in the priority areas shared by the countries of the sub-region and in respect of all the countries included in the sub-region. It will address issues of sub-regional concern in the area and analyse industrial development issues with sub-regional dimensions and suggest appropriate measures for technical or project assistance. It will interact with the multilateral development and financing institutions operating in the sub-region, undertake dialogue and negotiations with Member States on behalf of UNIDO, carry out sub-regional-level funds mobilization and undertake monitoring and coordinating functions as may be prescribed from time to time.

2. The UNIDO Sub-regional Office shall further perform the functions of a UNIDO Country Office in the Islamic State of Afghanistan, the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, the Federal Democratic Republic of Nepal and the Democratic Socialist Republic of Sri Lanka.

3. The UNIDO Sub-regional Office shall be headed by a UNIDO Representative and Head (hereinafter "the UR"). In the performance of his/her duties the UR shall:

In accordance with field representation policy and procedures, and in coordination with Headquarters:

- a. Act as accredited representative of UNIDO in the countries of the sub-region as well as UNIDO representative for important international/regional organizations located in such countries;
- b. Promote UNIDO's services in the countries of the sub-region;
- c. Develop a strategic framework of cooperation, annual work programme and active partnerships between the countries in the sub-region and

UNIDO; fruitful relationships and communication with host government(s), business associations, enterprises, non-governmental organizations, all other United Nations (UN) agencies and the Resident Coordinator of the UN system, and representatives of other multilateral and bilateral organizations. This will entail, insofar as India is concerned, prior consultations on all policy and programme-related matters with the Department of Industrial Policy and Promotion, UNIDO's nodal ministry in the country;

- d. Lead and coordinate the overall programme and project development and mobilize financial resources in the countries of the sub-region;
- e. Support, monitor, and contribute to the management of all other UNIDO activities in the countries of the sub-region;
- f. Implement projects and provide advice within criteria established;
- g. Manage the multidisciplinary team located in the Sub-regional Office in order to provide high-quality technical support to other UNIDO field offices and UNIDO programmes in the sub-region;
- h. Lead the development (and possible implementation) of UNIDO programmes and activities at the sub-regional level, in close cooperation with other UNIDO representatives of the sub-region and Headquarters;
- i. Ensure that the Sub-regional Office operates as a node for the UNIDO sub-regional information network;
- j. Promote positive interaction and cross-fertilization between UNIDO sub-regional or regional institutions located in the sub-region, including

- funds mobilization from development financing institutions;
- k. Inform/advise UNIDO Headquarters on changing patterns of demand at the sub-regional level; and
 - l. Manage the Sub-regional Office and its resources and ensure its sustainability, in particular through the mobilization of the host country's in-kind and financial contributions.

Article II

1. UNIDO and the Government shall jointly finance the establishment and the operation of a UNIDO Sub-regional Office in New Delhi. The Government shall contribute towards the costs of the UNIDO Sub-regional Office by providing resources as scheduled in Annex A.

2. The Government contributions are to be made annually, in the first quarter of the year, to an account number designated for this purpose by the Director-General of UNIDO (Annex B). The funds shall be administered by UNIDO in accordance with its applicable financial regulations and rules. The continued operation of the UNIDO Sub-regional Office shall be subject to the receipt in time by UNIDO of the Government's annual payment. The level of contributions shall be reviewed annually for each subsequent year.

Article III

1. The Government shall apply to UNIDO, including its property, funds, assets and its officials, including the UR and his staff in the country, the provisions of the Convention on the Privileges and Immunities of the United Nations, except that if the Government has acceded in respect of UNIDO to the Convention on the Privileges and Immunities of the Specialized Agencies, the Government shall apply the provisions of the latter Convention, including any Annex to that Convention applicable to UNIDO.

2. The UR and his staff in the country shall be granted such additional privileges and immunities as may be necessary for the effective exercise of their official functions. In particular, the UR shall enjoy the same privileges and immunities as the Government accords to diplomatic envoys in accordance with international law.

Article IV

The level of privileges and immunities granted in accordance with the present Agreement shall be understood to be subject to such adjustment as may be required to take fully into account the general understanding concerning additional privileges and immunities to be reached between the appropriate Indian authorities and the Specialized Agencies of the United Nations having offices or projects in the Republic of India. Any such adjustment shall be agreed to in a supplemental agreement to the present Agreement regarding the establishment of a UNIDO Sub-regional Office in India.

Article V


Any dispute between UNIDO and the Government arising out of or related to the interpretation or application of this Agreement, which is not settled by negotiation or other agreed mode of settlement, shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within fifteen days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. The procedure of the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

Article VI

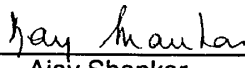
1. This Agreement shall be subject to ratification by the Government, and shall come into force upon receipt by UNIDO of notification from the Government of its ratification. Pending such ratification, it shall be given provisional effect by the Parties. It shall continue in force until terminated in accordance with paragraph 3 below.
2. This Agreement may be amended by mutual consent of the Parties.
3. This Agreement shall remain in force unless terminated by either Party by written notice to the other and shall terminate ninety days after receipt of such notice.

IN WITNESS WHEREOF the undersigned, duly appointed representatives of the United Nations Industrial Development Organization and of the Government of the Republic of India, respectively, have on behalf of the Parties signed the present Agreement in English, in two originals, at Vienna this 7th day of August 2009.

For the United Nations Industrial
Development Organization:


Kandeh K. Yumkella
Director-General

For the Government of the
Republic of India:


Ajay Shankar
Secretary, Department of
Industrial Policy and Promotion

Annex A

to the Agreement between the United Nations Industrial Development Organization and the Government of the Republic of India regarding the establishment of a UNIDO Sub-regional Office in India covering the Islamic State of Afghanistan, the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, the Federal Democratic Republic of Nepal and the Democratic Socialist Republic of Sri Lanka

Government Contributions

The Government shall contribute towards the costs of the UNIDO Sub-regional Office by providing:

- (a) In-kind contributions as follows:
 - Premises and facilities. Office Space:
 - Fully furnished with separate entrance.
 - Inscription on the entrance: "UNIDO Sub-regional Office" with name of countries.
 - Emblem of UNIDO displayed prominently at entrance.
 - Surface Area of office 75m², Number of rooms 04
 - Connection to computer, telephone line, fax line.
 - Parking space for the official vehicle of the office and of its staff.

- (b) A cash contribution of at least US\$35,000 towards local costs as follows:
 - Cost for electricity, water, cleaning, insurance as well as cost for the renovation of the offices if required.
 - The cash contribution towards local costs may also include cost of local staff subject to the exigencies of UNIDO's operations in the region. The estimated cost on this account has to be made on an annual basis in advance during first quarter of the financial year.

UNIDO Contributions

UNIDO shall contribute towards the costs of the UNIDO Sub-regional Office by providing:

- (a) The salaries of at least:
 - The UR
 - One National Programme Officer
 - Three Support Staff.

- (b) A cash contribution of at least US\$75,000 annually towards local costs as follows:
 - Operating costs of the vehicle(s)
 - Travels of the UR and staff of the Sub-regional Office within the region
 - Overtime payments of support staff and temporary assistance
 - Office equipment: computers, photocopiers
 - Communications and reporting
 - Maintenance of the premises
 - Contribution to joint initiatives within the UN Development Group in India

Annex B
to the Agreement between the United Nations Industrial Development Organization and the Government of the Republic of India regarding the establishment of a UNIDO Sub-regional Office in India covering the Islamic State of Afghanistan, the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, the Federal Democratic Republic of Nepal and the Democratic Socialist Republic of Sri Lanka

UNIDO's account number

1. The Government's payment in United States dollars will amount to at least US\$35,000 per year, It will be made to the following UNIDO account number: project US/IND/08/007 "Support to the Operations of the UNIDO Regional Office in India".