

No. 7732

**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
and UNIVERSAL POSTAL UNION
and
KENYA**

**Standard Agreement on operational assistance (with annex).
Signed at Nairobi, on 26 April 1965**

Official text : English.

Registered ex officio on 1 May 1965.

No. 7732. STANDARD AGREEMENT¹ ON OPERATIONAL ASSISTANCE BETWEEN 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 AND THE UNIVERSAL POSTAL UNION AND THE GOVERNMENT OF THE REPUBLIC OF KENYA. SIGNED AT NAIROBI, ON 26 APRIL 1965

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 and the Universal Postal Union (hereinafter called "the Organizations"), members of the Technical Assistance Board and the Government of the Republic of Kenya (hereinafter called "the Government") ;

Desiring to give effect to the resolutions and decisions of the Organizations relating to technical assistance in public administration, in particular resolutions 1256 (XIII)² and 1946 (XVIII)³ of the United Nations General Assembly, which are intended to promote the economic and social development of peoples ;

Considering it appropriate to join in furthering the development of the administrative and other public services of the Republic of Kenya, and thus to supplement

¹ Came into force on 26 April 1965, upon signature, in accordance with article VI (1).

² United Nations, *Official Records of the General Assembly, Thirteenth Session, Supplement No. 13 (A/4090)*, p. 16.

³ United Nations, *Official Records of the General Assembly, Eighteenth Session, Supplement No. 15 (A/5515)*, p. 33.

the technical assistance available to the Government under the Revised Technical Assistance Agreement of 11th November 1964¹ between the Organizations and the Government,

Have entered into this Agreement in a spirit of friendly co-operation.

Article I

SCOPE OF THE AGREEMENT

1. This Agreement embodies the conditions under which the Organizations shall provide the Government with the services of officers to perform functions of an operational, executive and administrative character, as civil servants or other comparable employees of the Government (hereinafter referred to as "the Officers"). It also embodies the basic conditions which shall govern the relationship between the Government and the Officers. The Government and the Officers shall either enter into contracts between themselves, or adopt such other arrangements as may be appropriate concerning their mutual relationships in conformity with the practice of the Government in regard to its own civil servants or other comparable employees. However, any such contracts or arrangements shall be subject to the provisions of this Agreement, and shall be communicated to the Organizations concerned.

2. The relationship between each Organization and the Officers provided by it shall be defined in contracts which the Organization concerned shall enter into with such Officers. A copy of the form of contract which the Organizations intend using for this purpose is transmitted herewith to the Government for its information, as Annex I² to this Agreement. The Organizations undertake to furnish the Government with a copy of each such contract within one month after it has been concluded.

Article II

FUNCTIONS OF THE OFFICERS

1. The Officers to be provided under this Agreement shall be available to perform operational, executive, administrative and managerial functions, including training, for the Government, or if so agreed by the Government and the Organization concerned, in other public agencies or public corporations or public bodies or bodies which are not of a public character.

2. In the performance of the duties assigned to them by the Government, the Officers shall be solely responsible to, and be under the exclusive direction of the Government or the public or other agency or body to which they are assigned; they shall not report to nor take instructions from the Organizations or any other person or body external to the Government, or the public or other agency or body to which

¹ United Nations, *Treaty Series*, Vol. 515, p. 94.

² For the text of an identical annex, see United Nations, *Treaty Series*, Vol. 527, No. 7622.

they are assigned, except with the approval of the Government. In each case the Government shall designate the authority to whom the Officer shall be immediately responsible.

3. The Parties hereto recognize that a special international status attaches to the Officers made available to the Government under this Agreement, and that the assistance provided hereunder is in furtherance of the purposes of the Organizations. Accordingly the Officers shall not be required to perform functions incompatible with such special international status, or with the purposes of the Organizations, and any contract entered into by the Government and the Officer shall embody a specific provision to this effect.

4. The Government agrees that nationals of the country shall be provided as national counterparts to the Officers, and shall be trained by the latter to assume as early as possible the responsibilities temporarily assigned to the Officers pursuant to this Agreement. Appropriate facilities for the training of such counterparts shall be furnished by the Government.

Article III

OBLIGATIONS OF THE ORGANIZATIONS

1. The Organizations undertake to provide, in response to requests from the Government, qualified officers to perform the functions described in Article II above.

2. The Organizations undertake to provide Officers in accordance with any applicable resolutions and decisions of their competent organs, and subject to the availability of the necessary funds and of suitable Officers.

3. The Organizations undertake, within the financial resources available to them, to provide administrative facilities necessary to the successful implementation of this Agreement, including the payment of stipends and allowances to supplement, as appropriate, the salaries and related allowances paid to the Officers by the Government under Article IV, paragraph 1 of this Agreement, and upon request, the effecting of such payments in currencies unavailable to the Government, and the making of arrangements for travel and transportation outside the Republic of Kenya, when the Officers, their families or their belongings are moved under the terms of their contracts with the Organization concerned.

4. The Organizations undertake to provide the Officers with such subsidiary benefits as the Organizations may deem appropriate, including compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the Government. Such subsidiary benefits shall be specified in the contracts to be entered into between the Organization concerned and the Officers.