

No. 9108

**UNITED NATIONS
(INCLUDING THE UNITED NATIONS
INDUSTRIAL DEVELOPMENT ORGANIZATION),
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
AUSTRALIA**

**Agreement for the provision of technical assistance to
the Territory of Papua and the Trust Territory of
New Guinea (with exchange of letters). Signed at
New York, on 21 May 1968**

Official text : English.

Registered ex officio on 21 May 1968.

No. 9108. AGREEMENT¹ 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, THE UNIVERSAL POSTAL UNION, THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION AND THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION AND THE GOVERNMENT OF AUSTRALIA FOR THE PROVISION OF TECHNICAL ASSISTANCE TO THE TERRITORY OF PAPUA AND THE TRUST TERRITORY OF NEW GUINEA. SIGNED AT NEW YORK, ON 21 MAY 1968

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, the Inter-Governmental Maritime Consultative Organization and the United Nations Industrial Development Organization : organizations participating in the technical assistance sector of the United Nations Development Programme (hereinafter called "the Organizations"), and the Government of Australia (hereinafter called "the Government");

Desiring to give effect in the Territory of Papua and the Trust Territory of New Guinea (hereinafter called "the Territories") to the resolutions and decisions of the Organizations relating to technical assistance which are

¹ Came into force on 21 May 1968 by signature, in accordance with article VI (1).

intended to promote the economic and social progress and development of peoples;

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

Article I

FURNISHING OF TECHNICAL ASSISTANCE

1. The Organizations shall provide the Government with technical assistance for the Territories, subject to the availability of the necessary funds. The Organizations, acting jointly or separately, and the Government shall co-operate in arranging, on the basis of requests received from the Government and approved by the Organizations concerned, mutually agreeable programmes of operations for the carrying out of technical assistance activities.
2. Such technical assistance shall be furnished and received in accordance with the relevant resolutions and decisions of the Assemblies, Conferences and other organs of the Organizations; technical assistance rendered within the technical assistance sector of the United Nations Development Programme shall, in particular, be furnished and received in accordance with the Observations and Guiding Principles set forth in Annex I of Resolution 222 A (IX) of the Economic and Social Council of 15th August, 1949,¹ and in Resolution 2029 (XX) of 22nd November, 1965² of the General Assembly of the United Nations.
3. Such technical assistance may consist of:
 - (a) making available the services of experts, in order to render advice and assistance to or through the Government for the Territories;
 - (b) organizing and conducting seminars, training programmes, demonstration projects, expert working groups, and related activities in such places as may be mutually agreed;
 - (c) awarding scholarships and fellowships or making other arrangements, under which candidates nominated by the Government and approved by the Organizations concerned shall study or receive training outside the Territories;

¹ United Nations, *Official Records of the Economic and Social Council, Ninth Session, Supplement No. 1*, p. 4.

² United Nations, *Official Records of the General Assembly, Twentieth Session, Supplement No. 14 (A/6014)*, p. 20.

(d) preparing and executing pilot projects, tests, experiments or research in such places as may be mutually agreed upon;

(e) providing any other form of technical assistance which may be agreed upon between the Organizations and the Government.

4. (a) Experts who are to render advice and assistance in the Territories to or through the Government shall be selected by the Organizations in consultation with the Government. They shall be responsible to the Organizations concerned.

(b) In the performance of their duties, the experts shall act in close consultation with the Government and with persons or bodies designated by the Government and shall comply with instructions from the Government as may be appropriate to the nature of their duties and the assistance to be given and as may be mutually agreed upon between the Organizations concerned and the Government.

(c) The experts shall, in the course of their advisory work, make every effort to instruct any technical staff whom the Government may associate with them, in their professional methods, techniques and practices, and in the principles on which these are based.

5. Any technical equipment or supplies which may be furnished by the Organizations shall remain their property unless and until such time as title thereto may be transferred to the Government on terms and conditions mutually agreed upon between the Organizations concerned and the Government.

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

Article II

CO-OPERATION OF THE GOVERNMENT CONCERNING TECHNICAL ASSISTANCE

1. The Government shall do everything within its means to ensure the effective use of the technical assistance provided and, in particular, agrees

to apply to the fullest possible extent the provisions set forth in Annex I to Resolution 222 A (IX) of the Economic and Social Council under the heading "Participation of Requesting Governments".

2. The Government and the Organizations concerned shall consult regarding the publication, as appropriate, of any findings and reports of experts that may prove of benefit to other countries and to the Organizations themselves.

3. In any case the Government will, as far as practicable, make available to the Organizations concerned information on the actions taken as a consequence of the assistance rendered and on the results achieved.

4. The Government shall associate with the experts such staff as may be mutually agreed upon and as may be necessary to give full effect to the provisions of Article I, paragraph 4 (c).

Article III

ADMINISTRATIVE AND FINANCIAL OBLIGATIONS OF THE ORGANIZATIONS

1. The Organizations shall defray, in full or in part, as may be mutually agreed upon, the costs necessary to the technical assistance which are payable outside the Territories as follows :

- (a) the salaries of the experts;
- (b) the costs of transportation and subsistence of the experts during their travel to and from the point of entry into the Territories;
- (c) the cost of any travel outside the Territories;
- (d) insurance of the experts;
- (e) purchase and transport to and from the point of entry into the Territories of any equipment or supplies provided by the Organizations concerned;
- (f) other expenses outside the Territories approved by the Organizations concerned.

2. The Organizations concerned shall defray such expenses in the currency of the Territories as are not payable by the Government under Article IV paragraphs 1 and 2 of this Agreement.

Article IV

ADMINISTRATIVE AND FINANCIAL OBLIGATIONS OF THE GOVERNMENT

1. The Government shall contribute to the cost of the technical assistance by paying for, or directly furnishing, the following facilities and services that are necessary to fulfil any programme of operations :