

## II

### *Treaties and international agreements*

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**UNITED NATIONS  
(UNITED NATIONS DEVELOPMENT PROGRAMME)  
and  
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

**Agreement concerning assistance by the United Nations  
Development Programme to the Government of the  
Democratic People's Republic of Korea. Signed at  
New York on 8 November 1979**

*Authentic texts: English and Korean.*

*Filed and recorded by the Secretariat on 8 November 1979.*

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**ORGANISATION DES NATIONS UNIES  
(PROGRAMME DES NATIONS UNIES  
POUR LE DÉVELOPPEMENT)  
et  
RÉPUBLIQUE POPULAIRE DÉMOCRATIQUE  
DE CORÉE**

**Accord relatif à une assistance du Programme des Nations  
Unies pour le développement au Gouvernement de  
la République populaire démocratique de Corée. Signé  
à New York le 8 novembre 1979**

*Textes authentiques : anglais et coréen.*

*Classé et inscrit au répertoire par le Secrétariat le 8 novembre 1979.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AND THE UNITED NATIONS DEVELOPMENT PROGRAMME

WHEREAS the General Assembly of the United Nations has established the United Nations Development Programme (hereinafter called the UNDP) to support and supplement the national efforts of developing countries at solving the most important problems of their economic development and to promote social progress and better standards of life, and

WHEREAS the Government of the Democratic People's Republic of Korea (hereinafter called the Government) wishes to request assistance from the UNDP for the benefit of its people,

NOW, THEREFORE, the Government and the UNDP (hereinafter called the Parties) have entered into this Agreement in a spirit of friendly cooperation.

### *Article I. SCOPE OF THIS AGREEMENT*

1. This Agreement embodies the basic conditions under which the UNDP and its Executing Agencies shall assist the Government in carrying out its development projects, and under which such UNDP-assisted projects shall be executed. It shall apply to all such UNDP assistance and to such Project Documents or other instruments (hereinafter called Project Documents) as the Parties may conclude to define the particulars of such assistance and the respective responsibilities of the Parties and the Executing Agency hereunder in more detail in regard to such projects.

2. Assistance shall be provided by the UNDP under this Agreement only in response to requests submitted by the Government and approved by the UNDP. Such assistance shall be made available to the Government, or to such entity as the Government may designate, and shall be furnished and received in accordance with the relevant and applicable resolutions and decisions of the competent UNDP organs, and subject to the availability of the necessary funds to the UNDP.

### *Article II. FORMS OF ASSISTANCE*

1. Assistance which may be made available by the UNDP to the Government under this Agreement may consist of:

- (a) The services of advisory experts and consultants, including consultant firms or organizations, selected in consultation with the Government by and responsible to the UNDP or the Executing Agency concerned;
- (b) The services of members of the United Nations Volunteers (hereinafter called volunteers);
- (c) Equipment and supplies not readily available in the Democratic People's Republic of Korea (hereinafter called the country);
- (d) Seminars, training programmes, demonstration projects, expert working groups and related activities;

<sup>1</sup> Came into force on 8 November 1979 by signature, in accordance with article XIII (1).

- (e) Scholarships and fellowships, or similar arrangements under which candidates nominated by the Government and approved by the Executing Agency concerned may study or receive training; and
- (f) Any other form of assistance which may be agreed upon by the Government and the UNDP.

2. Requests for assistance shall be presented by the Government to the UNDP through the UNDP mission in the country (referred to in paragraph 4(a) of this article), and in the form and in accordance with procedures established by the UNDP for such requests. The Government shall provide the UNDP with all appropriate facilities and relevant information to appraise the request, including an expression of its intent with respect to the follow-up of investment-oriented projects.

3. Assistance may be provided by the UNDP to the Government either directly, with such external assistance as it may deem appropriate, or through an Executing Agency, which shall have primary responsibility for carrying out UNDP assistance to the project and which shall have the status of an independent contractor for this purpose. Where assistance is provided by the UNDP directly to the Government, all references in this Agreement to an Executing Agency shall be construed to refer to the UNDP, unless clearly inappropriate from the context.

4. (a) At the appropriate time and in consultation with the Government, the UNDP may maintain a permanent mission, headed by a resident representative, in the country to represent the UNDP therein and to be the principal channel of communication with the Government on all Programme matters. He shall have full responsibility and ultimate authority, on behalf of the UNDP Administrator, for the UNDP programme in all its aspects in the country, and shall be team leader in regard to such representatives of other United Nations organizations as may be posted in the country, taking into account their professional competence and their relations with appropriate organs of the Government. He shall maintain liaison on behalf of the UNDP with the appropriate organs of the Government, including the Government's co-ordinating agency for external assistance, and shall inform the Government of the policies, criteria and procedures of the UNDP and other relevant programmes of the United Nations. He shall assist the Government, as may be required, in the preparation of UNDP country programme and project requests, as well as proposals for country programme or project changes, assure proper co-ordination of all assistance rendered by the UNDP through various Executing Agencies or its own consultants, assist the Government, as may be required, in co-ordinating UNDP activities with national, bilateral and multilateral programmes within the country, and carry out such other functions as may be entrusted to him by the Administrator or by an Executing Agency.

(b) In the meantime, a liaison office to be established in Pyongyang shall perform the functions referred to in paragraph 4(a) above and elsewhere in this Agreement.

(c) The UNDP mission in the country shall have such other staff as the UNDP may deem appropriate to its proper functioning. The UNDP shall notify the Government from time to time of the names of the members, and of the

families of the members, of the mission, and of changes in the status of such persons.

### *Article III. EXECUTION OF PROJECTS*

1. The Government shall remain responsible for its UNDP-assisted development projects and the realization of their objectives as described in the relevant Project Documents, and shall carry out such parts of such projects as may be stipulated in the provisions of this Agreement and such Project Documents. The UNDP undertakes to complement and supplement the Government's participation in such projects through assistance to the Government in pursuance of this Agreement and the Work Plans forming part of such Project Documents, and through assistance to the Government in fulfilling its intent with respect to investment follow-up. The Government shall inform UNDP of the Government Cooperating Agency participating in each UNDP-assisted project. Both Parties may agree that an Executing Agency shall assume primary responsibility for execution of a project in consultation and agreement with the Cooperating Agency, while the Government assumes overall responsibility for its projects, and any arrangements to this effect shall be stipulated in the project Work Plan forming part of the Project Document together with arrangements, if any, for transfer of such responsibility, in the course of project execution, to the Government or to an entity designated by the Government.

2. Compliance by the Government with any prior obligations agreed to be necessary or appropriate for UNDP assistance to a particular project shall be a condition of performance by the UNDP and the Executing Agency of their responsibilities with respect to that project. Should provision of such assistance be commenced before such prior obligations have been met, it may be terminated or suspended by the UNDP, provided that prior to such action the Government shall have been advised.

3. Any agreement between the Government and an Executing Agency concerning the execution of a UNDP-assisted project shall be subject to the provisions of this Agreement.

4. The Cooperating Agency shall as appropriate and in consultation with the Executing Agency assign a full-time director for each project who shall perform such functions as are assigned to him by the Cooperating Agency. The Executing Agency shall as appropriate and in consultation with the Government appoint a Chief Technical Adviser or Project Coordinator responsible to the Executing Agency to oversee the Executing Agency's participation in the project at the project level. He shall supervise and coordinate activities of experts and other Executing Agency personnel and be responsible for the on-the-job training of national Government counterparts. He shall be responsible for the management and efficient utilization of all UNDP-financed inputs, including equipment provided to the project.

5. In the performance of their duties, advisory experts, consultants and volunteers shall act in close consultation with the Government and with persons or bodies designated by the Government, and shall comply with such instructions from the Government as may be appropriate to the nature of their duties and the assistance to be given.