

No. 31415

**UNITED NATIONS
(UNITED NATIONS CHILDREN'S FUND)
and
THE FORMER YUGOSLAV REPUBLIC
OF MACEDONIA**

Exchange of letters constituting a Basic Cooperation Agreement. Skopje, 8 December 1994

Authentic texts: English and Macedonian.

Registered ex officio on 8 December 1994.

**ORGANISATION DES NATIONS UNIES
(FONDS DES NATIONS UNIES POUR L'ENFANCE)
et
L'EX-RÉPUBLIQUE YOUGOSLAVE
DE MACÉDOINE**

Échange de lettres constituant un accord de base régissant la coopération. Skopje, 8 décembre 1994

Textes authentiques : anglais et macédonien.

Enregistré d'office le 8 décembre 1994.

EXCHANGE OF LETTERS CONSTITUTING A BASIC COOPERATION AGREEMENT¹ BETWEEN THE UNITED NATIONS CHILDREN'S FUND AND THE GOVERNMENT OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

I

UNICEF
UNITED NATIONS CHILDREN'S FUND
FONDS DES NATIONS UNIES POUR L'ENFANCE
ДЕТСКИ ФОНД НА ОБЕДИНЕТИ НАЦИИ
SKOPJE OFFICE
BUREAU DE SKOPJE

8 December, 1994

Excellency,

I have the honour to propose to you on behalf of the Executive Director of the United Nations Children's Fund (UNICEF) the establishment of a Basic Cooperation Agreement between your Government and UNICEF. As you know, the text of this agreement was approved by the Executive Board of UNICEF as the basis for negotiating new Basic Cooperation Agreement with governments, following full consultation with delegations of Member States to the Executive Board, and with our field offices.

Due to several delays in reaching final agreement on the full text of this Basic Cooperation Agreement, I am writing now to propose that your Government and UNICEF agree on major provisions of the Basic Cooperation Agreement as set out below.

I further propose that upon receipt of your confirmation in writing of the above, this Exchange of Letters shall constitute an Agreement between UNICEF and your Government regarding the terms and conditions under which UNICEF shall cooperate in programmes in your country.

PREAMBLE

WHEREAS the United Nations Children's Fund (UNICEF) was established by the General Assembly of the United Nations by resolution 57 (I) of 11 December 1946² as an organ of the United Nations and, by this and subsequent resolutions, was charged with the responsibility of meeting, through the provision of financial support,

¹ Came into force on 8 December 1994 by signature, in accordance with article XXIV of the said letters.

² United Nations, *Official Records of the General Assembly, First Session, Second Part (A/64/Add.1)*, p. 90.

supplies, training and advice, the emergency and long-range needs of children and their continuing needs and providing services in the fields of maternal and child health, nutrition, water supply, basic education and supporting services for women in developing countries, with a view of strengthening, where appropriate, activities and programmes of child survival, development and protection in countries with which UNICEF cooperates, and

WHEREAS UNICEF and the Host Government wish to establish the terms and conditions under which UNICEF shall, in the framework of the operational activities of the United Nations and within its mandate, cooperate in the programmes of the Host Government;

NOW, THEREFORE, UNICEF and the Host Government, in a spirit of friendly cooperation, have entered into the present Agreement.

ARTICLE I

Definition

For the purpose of the present Agreement, the following definitions shall apply:

- (a) "Appropriate authorities" means central, local and other competent authorities under the law of the country;
- (b) "Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946;¹
- (c) "Experts on mission" means experts coming within the scope of articles VI and VII of the Convention;
- (d) "Government" means the Host Government;
- (e) "Greeting Card Operation" means the organizational entity established within UNICEF to generate public awareness, support and additional funding for UNICEF mainly through the production and marketing of greeting cards and other products;
- (f) "Head of office" means the official in charge of the UNICEF office;
- (g) "Country" means the country where a UNICEF office is located or which receives programme support from a UNICEF office located elsewhere;
- (h) "Parties" means UNICEF and the Government;

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

(i) "Persons performing services for UNICEF" means individual contractors, other than officials, engaged by UNICEF to perform services in the execution of programmes of cooperation;

(j) "Programmes of cooperation" means the programmes of the country in which UNICEF cooperates, as provided in article III below;

(k) "UNICEF" means the United Nations Children's Fund;

(l) "UNICEF office" means any organizational unit through which UNICEF cooperates in programmes; it may include field offices established in the country;

(m) "UNICEF officials" means all members of the staff of UNICEF employed under the Staff Regulations and Rules of the United Nations, with the exception of persons who are recruited locally assigned to hourly rates, as provided in General Assembly resolution 76 (I) of 7 December 1946.¹

ARTICLE II

Scope of Agreement

1. The present agreement embodies the general terms and conditions under which UNICEF shall cooperate in programmes in the country.

2. UNICEF cooperation in programmes in the country shall be provided consistent with the relevant resolutions, decisions, regulations and rules and policies of the competent organs of the United Nations, including the Executive Board of UNICEF.

ARTICLE III

Programmes of cooperation and master plan of operations

1. The programmes of cooperation agreed to between the Government and UNICEF shall be contained in a master plan of operations to be concluded between UNICEF, the Government and, as the case may be, other participating organizations.

2. The master plan of operations shall define the particulars of the programmes of cooperation, setting out the objectives of the activities to be carried out, the undertakings of UNICEF, the Government and the participating organizations and the estimated financial resources required to carry out the programmes of cooperation.

3. The Government shall permit UNICEF officials, experts on mission and persons performing services for UNICEF to observe and monitor all phases and aspects of the programmes of cooperation.

¹ United Nations, *Official Records of the General Assembly, First Session, Second Part* (A/64/Add.1), p. 139.

4. The Government shall keep such statistical records concerning the execution of the master plan of operations as the Parties may consider necessary and shall supply any of such records to UNICEF at its request.

5. The Government shall cooperate with UNICEF in providing the appropriate means necessary for adequate informing the public about the programmes of cooperation carried out under the present Agreement.

ARTICLE IV

UNICEF office

1. UNICEF may establish and maintain a UNICEF office in the country as the Parties may consider necessary to facilitate the implementation of the programmes of cooperation.

2. UNICEF may, with the agreement of the Government, establish and maintain a regional/area in the country to provide programme support to other countries in the region/area.

3. In the event that UNICEF does not maintain a UNICEF office in the country, it may, with the agreement of the Government, provide support for the programmes of cooperation agreed to between UNICEF and the Government under the present Agreement through a UNICEF regional/area office established in another country.

ARTICLE V

Assignment to UNICEF office

1. UNICEF may assign to its office in the country officials, experts on mission and persons performing services for UNICEF, as is deemed necessary by UNICEF, to provide support to the programmes of cooperation with:

(a) The preparation, review, monitoring and evaluation of the programmes of cooperation;

(b) The shipment, receipt, distribution or use of the supplies, equipment and other materials provided by UNICEF;

(c) Advising the Government regarding the progress of the programmes of cooperation;

(d) Any other matters relating to the application of the present Agreement .

2. UNICEF shall, from time to time, notify the Government of the names of UNICEF officials, experts on mission and persons performing services for UNICEF; UNICEF shall also notify the Government of any changes in their status.