

No. 45049*

**South Africa
and
United Nations Industrial Development Organization**

Agreement between the Government of the Republic of South Africa and the United Nations Industrial Development Organization on establishing a Sub-Regional Office in South Africa (with annex). Pretoria, 19 April 2006

Entry into force: *19 April 2006 by signature, in accordance with article 14*

Authentic texts: *English*

Registration with the Secretariat of the United Nations: *South Africa, 18 June 2008*

**Afrique du Sud
et
Organisation des Nations Unies pour le développement industriel**

Accord entre le Gouvernement de la République sud-africaine et l'Organisation des Nations Unies pour le développement industriel sur l'établissement d'un Bureau sous-régional en Afrique du Sud (avec annexe). Pretoria, 19 avril 2006

Entrée en vigueur : *19 avril 2006 par signature, conformément à l'article 14*

Textes authentiques : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 18 juin 2008*

* *The text reproduced below is the original text of the agreement as submitted. For ease of reference, it was sequentially paginated. The final UNTS version of it is not yet available.
Le texte reproduit ci-dessous est le texte authentique de l'accord tel que soumis pour enregistrement. Pour référence, il a été présenté sous forme de la pagination consécutive.
La version finale RTNU n'est pas encore disponible.*

[ENGLISH TEXT – TEXTE ANGLAIS]

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PREAMBLE

The Government of the Republic of South Africa (hereinafter referred to as "the Government") and the United Nations Industrial Development Organization (hereinafter referred to as "UNIDO"),

WHEREAS the Republic of South Africa is a member of UNIDO,

AND WHEREAS by its resolution GC.7/Res.11 of 4 December 1997 the General Conference of 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,

AND WHEREAS the Government and UNIDO recognize the importance of establishing a UNIDO Sub-Regional Office to enhance its cooperation at the country level in the sub-region constituted by Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Republic of South Africa, Swaziland, Zambia and Zimbabwe and has confirmed its commitment to contribute to certain costs of the UNIDO Sub-Regional Office as detailed further in this Agreement,

AND WHEREAS UNIDO has decided to establish a UNIDO Sub-Regional Office in Pretoria, Republic of South Africa,

AND WHEREAS the Convention on the Privileges and Immunities of the Specialized Agencies, 1947 which the Republic of South Africa has undertaken to apply to UNIDO in accordance with Section 43 thereof,

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

ARTICLE 1 *Definitions*

Section 1

In this Agreement the expression:

- a. "appropriate Republic of South Africa authorities" means such national or other authorities in the Republic of South Africa as may be responsible in the context and

in accordance with the laws and customs applicable in the Republic of South Africa;

- b. "archives of UNIDO" includes all records, correspondence, documents, manuscripts, computer records, still and motion pictures, films and sound recordings, belonging to or held by UNIDO, wherever located in furtherance of its constitutional functions;
- c. "Convention" means the Convention on the Privileges and Immunities of the Specialized Agencies approved by the United Nations General Assembly on 21 November 1947;
- d. "Country" means the Republic of South Africa;
- e. "Director" means the UNIDO Field Representative and Sub-Regional Director;
- f. "experts" means any persons, other than representatives to and officials of UNIDO, who are performing missions for UNIDO in the Country and are specifically authorized by UNIDO, including persons doing so on an uncompensated or seconded basis, or serving on committees or other subsidiary bodies of UNIDO at the request of UNIDO;
- g. "Government" means the Government of the Republic of South Africa;
- h. "officials of UNIDO" means the Director and other staff members appointed by the Director-General of UNIDO in accordance with the regulations, rules and procedures of UNIDO and who are assigned or on mission to the Sub-Regional Office, with the exception of persons who are locally recruited and are assigned to hourly rates;
- i. "Parties" means the Government and UNIDO;
- j. "property and assets" means, as regards the Sub-Regional Office, all property, including funds, incomes and other assets, belonging to or administered by UNIDO in furtherance of its constitutional functions;
- k. "representatives of members" shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations of UNIDO Member States;
- l. "the dti" means the Department of Trade and Industry of the Government of the Republic of South Africa;

- m. "sub-region" means the countries in Southern Africa including but not limited to Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Republic of South Africa, Swaziland, Zambia and Zimbabwe;
- n. "Sub-Regional Office" means the UNIDO Sub-Regional Office in Pretoria, Republic of South Africa;
- o. "telecommunications" means any emission, transmission or reception of written or verbal information, images, sound or information of any nature by wire, radio, satellite, optical fibre or any other electronic or electromagnetic means;
- p. "UNIDO" means the United Nations Industrial Development Organization and all references to UNIDO in connection with the privileges, immunities and facilities provided by the Government pursuant to Articles 2 and 4 to 11 of this Agreement shall be understood to refer to the activities of UNIDO's Sub-Regional Office as set forth in Article 3 of this Agreement.

ARTICLE 2

Establishment of a UNIDO Sub-Regional Office in South Africa

Section 2

- a. UNIDO is hereby authorised by the Government to establish a Sub-Regional Office in Pretoria, Republic of South Africa.
- b. The Sub-Regional Office will be responsible for programmes in the sub-region.
- c. South Africa and UNIDO will together build capacity for industrial development in the sub-region and in this regard the Government will work in partnership with UNIDO to ensure that national and sub-regional programmes are finalised.
- d. The Government, through the dti, will assist UNIDO with the establishment of the Sub-Regional Office by providing the resources set forth in the attached Annex, which is an integral part of this Agreement.

Section 3

UNIDO shall enjoy in the furtherance of the official functions of the Sub-Regional Office treatment not less favourable than that accorded to other organisations of the United Nations in the Country. The Sub-Regional Office shall have the right to display UNIDO's flag on the premises of the Sub-Regional Office and vehicles.

ARTICLE 3*Functions of the Sub-Regional Office**Section 4*

The 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 mobilisation and undertake monitoring and co-ordinating functions as may be prescribed from time to time.

Section 5

The Sub-Regional Office shall further perform the functions of a UNIDO Country Office in the Country and in other countries of the sub-region as agreed upon between the Government and UNIDO.

Section 6

The Sub-Regional Office shall be headed by a Director. In the performance of his/her duties the Director shall:

In accordance with field representation policy and procedures, and in co-ordination 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 organisations located in such countries;