



## Governing Body

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Legal Issues and International Labour Standards Section  
*Legal Issues Segment*

LILS

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### FIRST ITEM ON THE AGENDA

## Legal protection of the International Labour Organization in its member States, including the status of its privileges and immunities

#### Purpose of the document

In the present document, the Governing Body is invited to review the status of the ILO's legal protection in member States, including its privileges and immunities, as well as proposed further steps in relation to measures to secure legal protection where needed (see draft decision in paragraph 15).

**Relevant strategic objective:** Not applicable.

**Policy implications:** Further development of strategy to promote the ILO's legal protection to manage risk and increase efficiency and savings.

**Legal implications:** Renewal of call for accession to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies, and introduction of a model ILO framework agreement for in-country cooperation.

**Financial implications:** Savings by avoiding delays and costs of ad hoc negotiations concerning legal protection.

**Follow-up action required:** Consideration of accession to the 1947 Convention by member States which have yet to do so, and continuation of efforts by the Office to secure legal protection through measures set out in paragraphs 13 and 14.

**Author unit:** Office of the Legal Adviser (JUR).

**Related documents:** GB.304/LILS/1, GB.304/9/1, GB.301/LILS/1, GB.301/11(Rev.).



## Executive summary

As the cooperation between the ILO and its Members intensifies, so does the importance of ensuring legal protection for the ILO's activities with and in its member States. A gap in legal protection still exists: 69 member States have yet to accede to the 1947 Convention on Privileges and Immunities of the Specialized Agencies and/or accept its Annex I concerning the ILO; in 29 of these States, the ILO also has no standing legal protection agreed bilaterally, such as a host country accord or a standard technical assistance agreement (STAA) from the 1950s–60s. The ILO and its Members share a commitment to cooperate in achieving decent work through use of all the organization's means of action, including "country programmes for decent work ... and within the framework of the United Nations system".<sup>1</sup> Since 2009, Office efforts to promote the ILO's legal protection have built on the strategy affirmed by the Governing Body. Measures have included: direct engagement with member States particularly on obstacles to accession to the 1947 Convention; development of a model bilateral Framework Agreement for Cooperation for in-country activities based on experience of other UN agencies, funds and programmes; publication of an information guide and an online database about legal protection frameworks in place with States; and various steps to mainstream legal protection as a risk management issue across the Office. Future efforts are expected to build on these measures, and it is proposed to examine gaps in implementation of already recognized privileges and immunities and other legal protection.

### I. Introduction

1. At its 304th Session (March 2009),<sup>2</sup> the Governing Body reviewed the status of the privileges and immunities of the ILO in its member States on the basis of a document building on the strategy approved at its 301st Session.<sup>3</sup> As requested, this document reports on relevant developments, including further measures adopted to increase the ILO's legal protection where needed.
2. An appropriate framework of legal protection for the activities of the ILO in and with its member States. This includes recognition of the ILO's legal status and privileges and immunities as well as other facilities and protections for its in-country operations. The purpose of legal protection is functional: it secures the ILO's independence and ability to deliver its services and encourages efficiency by reducing delays and costs involved in financing and conducting activities. It also helps to manage risks inherent in such activities that involve ILO property, assets and officials as well as experts and delegates participating in the work of the ILO.

### II. Current situation

3. The primary legal tool to ensure respect for the ILO's privileges and immunities on an equal basis across all member States remains the 1947 Convention on the Privileges and Immunities of the Specialized Agencies and its Annex I relating to the ILO (1947

<sup>1</sup> ILO Declaration on Social Justice for a Fair Globalization, see Part II(A)(ii) and Annex, Part II(C).

<sup>2</sup> GB.304/LILS/1, GB.304/9/1, Record of Dec. GB.304 (March 2009), citing GB.304/9/1, para. 12.

<sup>3</sup> GB.301/LILS/1, GB.301/11(Rev.), Record of Dec. GB.301 (March 2008), citing GB.301/11(Rev), para. 13.

Convention and Annex), which cover both the ILO and its officials and those participating in the ILO's work, such as Governing Body members. Of the ILO's 183 member States, 114 member States have acceded to the Convention and accepted Annex I, among these two additional member States since the last report, the Republic of Moldova and Mozambique (see Appendix I). During the same period, three member States lodged instruments of accession with the UN Secretary-General, but these are still pending due to unaccepted reservations; this is already the case for three other member States.<sup>4</sup> Significant progress towards accession is under way in a number of other member States.

4. Other tools for legal protection are agreed directly between the Organization and the member State. Among these are the STAAs concluded in the 1950s and 1960s between Governments, on the one hand, and the United Nations and its specialized agencies on the other hand. Unless terminated by the Government or respective agency concerned, the STAA typically applies to in-country technical assistance activities rendered by the agencies, separately or together,<sup>5</sup> and incorporates the provisions of the 1947 Convention and Annex to those activities. STAAs with the ILO's participation were concluded with 112 member States. Since the last report, the ILO has entered into exchanges of letters for standing legal protection with Timor-Leste and with Vanuatu, as well as South Sudan, a non-member State on whose territory the ILO already has operations.<sup>6</sup>
5. The gap in legal protection can be assessed in relation to these two complementary legal tools: the multilateral Convention and Annex on the one hand, and a standing bilateral accord for cooperation, on the other (such as an STAA or a host country agreement). In 69 member States, the ILO has yet to receive protection through accession to the 1947 Convention and acceptance of Annex I (see Appendix I). Overall, 29 member States currently afford the ILO no standing legal protection by means of a multilateral or bilateral agreement. While national laws may provide some protection, they do not afford the ILO the same legal guarantee as an international agreement.

### III. Measures taken

6. Since the last report, the Office has intensified its campaign to promote the ILO's legal protection, building on the strategy adapted by the Governing Body. Emphasis has been placed on deepening the understanding among ILO constituents and officials of how legal protection contributes to increased efficacy and reduced risk for the Organization. In its communications, the Office has drawn attention to the Governing Body's call to member States to accede to the 1947 Convention and apply Annex I<sup>7</sup> and to the value of standing

<sup>4</sup> Armenia, Azerbaijan, and Saudi Arabia (pending since March 2009); Colombia, Portugal, and Qatar (pending from before March 2009). The ILO has sought early dialogue with Governments to resolve such issues, and inter-agency consultations, led by the UN, seek resolution with the Governments concerned.

<sup>5</sup> The STAAs comprised the legal framework for implementation of the Expanded Programme of Technical Assistance (EPTA) which preceded the UN Development Programme (UNDP). Since then, the UNDP and some specialized agencies have each developed their own standard bilateral agreements with States to deliver in-country assistance. See para. 8.

<sup>6</sup> The ILO earlier entered into such an exchange of letters with Somalia. GB.304/LILS/1, para. 3. In several States, DWCP memoranda of understanding provide some level of legal protection for their limited duration.

<sup>7</sup> Record of Dec. GB.304 (March 2009), citing GB.304/9/1, para. 12.

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bilateral legal frameworks as a complementary means of securing legal protection for in-country activities.

## **A. Direct engagement with member States**

7. Under the guidance of the Office of the Legal Adviser, working in close coordination with regional offices and headquarters' units, the Office has sought a more direct engagement with member States to better identify the obstacles, if any, to accession to the 1947 Convention, and the possible interest in developing bilateral legal frameworks for in-country activities. Since its last report, the Office has explored the issue, in person and in writing, with Government representatives of nearly 40 member States.<sup>8</sup> In these contacts, priority was given to member States which had not yet acceded to the Convention or accepted Annex I or where the ILO had extensive activities. Special attention was paid to the ILO's exposure in the context of UN joint programming in countries where the ILO shares responsibility with agencies that enjoy greater protection under bilateral accords or the 1946 Convention on Privileges and Immunities of the United Nations. While Governments generally responded positively to the Office initiative, some attributed the delay in accession to such factors as lengthy legislative processes for treaty ratification, the view that the Convention was outdated, or inconsistent national laws or practices, such as those on taxation of nationals.

## **B. ILO Framework Agreement for Cooperation**

8. To help address the in-country protection gap, the Office has developed a model bilateral framework agreement for cooperation, drawing on the experience of other UN agencies, funds and programmes. The provisions of the Framework Agreement for Cooperation (FAC), set out in Appendix II, derive largely from the UNDP's Standard Basic Assistance Agreement (SBAA) and standing bilateral agreements developed by the WHO, UNESCO, and UNICEF, and reflect the ILO's own tripartite character. The FAC, which is of indefinite duration, is intended to apply to all the ILO's in-country activities, whose operational details are agreed in separate documents from time to time. While the priority of accession to the Convention remains paramount,<sup>9</sup> the FAC applies the provisions of the 1947 Convention and Annex to its scope of activities, and provides standard operational clauses that would otherwise take time to negotiate on an ad hoc basis before each specific in-country activity.
9. The FAC thus offers a stable basis to build a productive and lasting partnership between the ILO and its member States, particularly in countries with extensive in-country activities. The FAC may also be applied in countries with STAAs (see paragraph 4) to update and enhance cooperation. It is currently under active consideration in a number of member States. The Office will keep the text of the FAC under review in order to balance the particularities of in-country frameworks with a universal threshold of legal protection for ILO operations.

<sup>8</sup> Contacts included delegates to ILO official meetings and Geneva missions, and Government lawyers from five member States participated in a subregional workshop in October 2011 organized by the ILO Subregional Office for Central America in coordination with the Office of the Legal Adviser.

<sup>9</sup> See ILO Constitution, art. 40; International Labour Conference, 31st Session, resolution concerning the privileges and immunities of the International Labour Organization (10 July 1948).

### **C. Effective access to information resources and online systems**

10. As an information resource and promotional tool, the Office published a booklet. “*Legal protection of the International Labour Organization in its member States: An introductory guide* in English, French and Spanish, as well as Arabic, Portuguese and Russian.”<sup>10</sup> It covers the purpose of privileges and immunities in serving the independence and interests of the Organization and addresses their specific content and function.<sup>11</sup> The Guide annexes model instruments for accession to the 1947 Convention and, where States are already parties, subsequent notification of acceptance of Annex I.
11. Earlier this year, the Office of the Legal Adviser launched an online database about the legal protection frameworks in place with States, building on existing information on its web page. The database provides ILO constituents and officials, as well as prospective donors and national decision-makers, with easy access to relevant information. The database is available in English, French and Spanish at <http://www.ilo.org/dyn/legprot/en>.

### **D. Office-wide coordination on legal protection**

12. Various steps have been taken to mainstream legal protection as a risk management issue across the Office. For example, consultation on legal protection is to be taken into account in developing Decent Work Country Programme (DWCP) agreements and technical cooperation project planning; it is also raised as a priority with new member States. Increasingly, headquarters and regional offices promote legal frameworks as part of in-country activities, in coordination with the Office of the Legal Adviser. For instance, the clauses on legal protection in the model IPEC Memorandum of Understanding are being phased out in favour of the FAC clauses in countries concerned.

## **IV. Future measures**

13. Future efforts will continue to build on the above measures. The Office will follow-up on recent contacts with Governments, and offer assistance with accession to the 1947 Convention and conclusion of the FAC where applicable. Its efforts will make full use of the promotional materials and the database. The text of the FAC will be reviewed as necessary in light of ongoing experience with governments and social partners.
14. There is also a need to advance the ILO’s legal protection by examining gaps in implementation of privileges and immunities and other legal protection. Special attention will be paid to ensuring that the level playing field agreed by member States in law operates, in practice, to avoid any unequal benefit through individual countries’ actions<sup>12</sup>

<sup>10</sup> The Guide is published in hard copy and online at <http://www.ilo.org/public/english/bureau/leg/download/legal-protection-en.pdf>.

<sup>11</sup> Subjects include immunity from jurisdiction and tax exemptions, the inviolability of ILO property, assets and archives, treatment of ILO officials including nationals and of representatives at ILO meetings, and safeguards to ensure against abuse of privileges and immunities.

<sup>12</sup> In one member State, for example, executive authorities recently seized assets in the ILO’s bank account in the country to satisfy a domestic court judgement on behalf of a national formerly under contract with the ILO, despite an ILOAT judgment in favour of the Organization in the same grievance.

and to reinforce the ILO's capacity to use its Members' financial contributions to the equal benefit of all.

## V. Draft decision

### 15. *The Governing Body:*

- (a) *reaffirms the importance of legal protection for the ILO in its relations with member States, and in particular its privileges and immunities recognized in the 1947 Convention on Privileges and Immunities of the Specialized Agencies and Annex I relating to the ILO;*
- (b) *urges member States, which have yet to do so, to accede to the 1947 Convention and apply its Annex I;*
- (c) *requests the Office to continue its efforts to promote the legal protection of the ILO through the measures indicated, and to report periodically on the legal situation of the ILO in its member States, with a view to taking further measures as necessary.*





## Appendix I

Member State	1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)	Annex I (ILO) to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)
Afghanistan	–	–
Albania	15 December 2003	4 October 2007
Algeria	25 March 1964	25 March 1964
Angola	–	–
Antigua and Barbuda	14 December 1988	14 December 1988
Argentina	10 October 1963	10 October 1963
Armenia <sup>1</sup>	–	–
Australia	9 May 1986	9 May 1986
Austria	21 July 1950	21 July 1950
Azerbaijan <sup>1</sup>	–	–
Bahamas	17 March 1977	17 March 1977
Bahrain	17 September 1992 <sup>2</sup>	17 September 1992
Bangladesh	–	–
Barbados	19 November 1971	19 November 1971
Belarus	18 March 1966 <sup>2</sup>	18 March 1966
Belgium	14 March 1962	14 March 1962
Belize	–	–
Benin	–	–
Bolivia, Plurinational State of	–	–
Bosnia and Herzegovina	1 September 1993	1 September 1993
Botswana	5 April 1983	5 April 1983
Brazil	22 March 1963	22 March 1963
Brunei Darussalam	–	–
Bulgaria	13 June 1968 <sup>2</sup>	13 June 1968
Burkina Faso	6 April 1962	6 April 1962
Burundi	–	–
Cambodia	15 October 1953	2 July 2007
Cameroon	30 April 1992	30 April 1992
Canada	–	–
Cape Verde	–	–
Central African Republic	15 October 1962	15 October 1962
Chad	–	–

<b>Member State</b>	<b>1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>	<b>Annex I (ILO) to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>
Chile	21 September 1951	21 September 1951
China	11 September 1979 <sup>2</sup>	9 November 1984
Colombia <sup>1</sup>	–	–
Comoros	–	–
Congo	–	–
Costa Rica	–	–
Côte d'Ivoire	8 September 1961	28 December 1961
Croatia	12 October 1992	12 October 1992
Cuba	13 September 1972 <sup>2</sup>	13 September 1972
Cyprus	6 May 1964	6 May 1964
Czech Republic	22 February 1993 <sup>2</sup>	22 February 1993 <sup>1</sup>
Democratic Republic of the Congo	8 December 1964	8 December 1964
Denmark	25 January 1950	25 January 1950
Djibouti	–	–
Dominica	24 June 1988	24 June 1988
Dominican Republic	–	–
Ecuador	8 June 1951	8 June 1951
Egypt	28 September 1954	28 September 1954
El Salvador	–	–
Equatorial Guinea	–	–
Eritrea	–	–
Estonia	8 October 1997	8 October 1997
Ethiopia	–	–
Fiji	21 June 1971	21 June 1971
Finland	31 July 1958	31 July 1958
France	2 August 2000 <sup>2</sup>	2 August 2000
Gabon	29 June 1961 <sup>2</sup>	30 November 1982
Gambia	1 August 1966	1 August 1966
Georgia	18 July 2007	18 July 2007
Germany	10 October 1957 <sup>2</sup>	10 October 1957
Ghana	9 September 1958	9 September 1958
Greece	21 June 1977	21 June 1977
Grenada	–	–
Guatemala	30 June 1951	30 June 1951

<b>Member State</b>	<b>1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>	<b>Annex I (ILO) to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>
Guinea	1 July 1959	29 March 1968
Guinea-Bissau	–	–
Guyana	13 September 1973	13 September 1973
Haiti	16 April 1952	16 April 1952
Honduras	–	–
Hungary	2 August 1967 <sup>2</sup>	2 August 1967
Iceland	17 January 2006	17 January 2006
India	10 February 1949	10 February 1949
Indonesia	8 March 1972 <sup>2</sup>	8 March 1972
Iran, Islamic Republic of	16 May 1974	16 May 1974
Iraq	9 July 1954	9 July 1954
Ireland	10 May 1967	10 May 1967
Israel	–	–
Italy	30 August 1985 <sup>2</sup>	30 August 1985
Jamaica	4 November 1963	4 November 1963
Japan	18 April 1963	18 April 1963
Jordan	12 December 1950	23 August 2007
Kazakhstan	–	–
Kenya	1 July 1965	1 July 1965
Kiribati	–	–
Korea, Republic of	13 May 1977	22 March 2006
Kuwait	13 November 1961	7 February 1963
Kyrgyzstan	–	–
Lao People's Democratic Republic	9 August 1960	9 August 1960
Latvia	19 December 2005	19 December 2005
Lebanon	–	–
Lesotho	26 November 1969	26 November 1969
Liberia	–	–
Libya	30 April 1958	30 April 1958
Lithuania	10 February 1997 <sup>2</sup>	10 February 1997
Luxembourg	20 September 1950	20 September 1950
Madagascar	3 January 1966 <sup>2</sup>	3 January 1966
Malawi	2 August 1965	2 August 1965
Malaysia	29 March 1962	29 March 1962

<b>Member State</b>	<b>1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>	<b>Annex I (ILO) to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>
Maldives, Republic of	26 May 1969	–
Mali	24 June 1968	24 June 1968
Malta	27 June 1968	27 June 1968
Marshall Islands	–	–
Mauritania	–	–
Mauritius	18 July 1969	18 July 1969
Mexico	–	–
Moldova, Republic of	12 September 2011	12 September 2011
Mongolia	3 March 1970 <sup>2</sup>	3 March 1970
Montenegro	23 October 2006	23 October 2006
Morocco	28 April 1958	10 June 1958
Mozambique	6 October 2011	6 October 2011
Myanmar	–	–
Namibia	–	–
Nepal	23 February 1954	11 September 1996
Netherlands	2 December 1948 <sup>2</sup>	2 December 1948
New Zealand	25 November 1960 <sup>2</sup>	25 November 1960
Nicaragua	6 April 1959	6 April 1959
Niger	15 May 1968	15 May 1968
Nigeria	26 June 1961	26 June 1961
Norway	25 January 1950 <sup>2</sup>	25 January 1950
Oman	–	–
Pakistan	23 July 1951 <sup>2</sup>	15 September 1961
Panama	–	–
Papua New Guinea	–	–
Paraguay	13 January 2006	13 January 2006
Peru	–	–
Philippines	20 March 1950	20 March 1950
Poland	19 June 1969 <sup>2</sup>	19 June 1969
Portugal <sup>1</sup>	–	–
Qatar <sup>1</sup>	–	–
Romania	15 September 1970 <sup>2</sup>	15 September 1970
Russian Federation	10 January 1966 <sup>2</sup>	10 January 1966
Rwanda	15 April 1964	15 April 1964

<b>Member State</b>	<b>1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>	<b>Annex I (ILO) to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>
Saint Kitts and Nevis	–	–
Saint Lucia	2 September 1986	–
Saint Vincent and the Grenadines	–	–
Samoa	–	–
San Marino	–	–
Sao Tome and Principe	–	–
Saudi Arabia <sup>1</sup>	–	–
Senegal	2 March 1966	2 March 1966
Serbia	12 March 2001	12 March 2001
Seychelles	24 July 1985	24 July 1985
Sierra Leone	13 March 1962	13 March 1962
Singapore	18 March 1966	18 March 1966
Slovakia	28 May 1993 <sup>2</sup>	28 May 1993
Slovenia	6 July 1992	6 July 1992
Solomon Islands	–	–
Somalia	–	–
South Africa	30 August 2002 <sup>2</sup>	30 August 2002
Spain	26 September 1974	26 September 1974
Sri Lanka	–	–
Sudan	–	–
Suriname	–	–
Swaziland	–	–
Sweden	12 September 1951	12 September 1951
Switzerland	–	–
Syrian Arab Republic	–	–
Tajikistan	–	–
Tanzania, United Republic of	29 October 1962	29 October 1962
Thailand	30 March 1956	19 June 1961
The former Yugoslav Republic of Macedonia	11 March 1996	11 March 1996
Timor-Leste	–	–
Togo	15 July 1960	–
Trinidad and Tobago	19 October 1965	19 October 1965
Tunisia	3 December 1957	3 December 1957
Turkey	–	–

<b>Member State</b>	<b>1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>	<b>Annex I (ILO) to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies (date of accession/succession)</b>
Turkmenistan	–	–
Tuvalu	–	–
Uganda	11 August 1983	11 August 1983
Ukraine	13 April 1966 <sup>2</sup>	13 April 1966
United Arab Emirates	11 December 2003	11 December 2003
United Kingdom	16 August 1949 <sup>2</sup>	16 August 1949
United States	–	–
Uruguay	29 December 1977	29 December 1977
Uzbekistan	18 February 1997	18 February 1997
Vanuatu	2 January 2008	2 January 2008
Venezuela, Bolivarian Republic of	–	–
Viet Nam	–	–
Yemen	–	–
Zambia	16 June 1975	16 June 1975
Zimbabwe	5 March 1991	5 March 1991

<sup>1</sup> Accession pending due to reservations that have not been accepted.

<sup>2</sup> Declarations or reservations accepted as compatible with the Convention.

## Appendix II

### [MODEL]

***Framework Agreement for Cooperation  
between  
[Name of country]  
and  
the International Labour Organization***

WHEREAS the Government of [Name of country] (the “Government”) and the International Labour Organization, represented by the International Labour Office (the “ILO”) (hereinafter called “the parties”), have agreed to strengthen their cooperation;

CONSIDERING the membership-based commitments between [Name of country] and the ILO to implement the ILO’s constitutional mandate, including through promoting the four strategic objectives for decent work, with due regard to international labour standards;

WHEREAS the ILO seeks to effectively assist its Members in these efforts, and article 10 of the ILO Constitution states that the ILO shall accord to governments at their request all appropriate assistance within its power; and

WHEREAS article 40 of the ILO Constitution states that the ILO shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes; and

WHEREAS [Name of country] wishes to benefit from the support and assistance of the ILO, including its International Training Centre.

NOW THEREFORE the Government and the ILO have entered into this Framework Agreement for Cooperation (the “Agreement”):

#### *Article I*

##### SCOPE OF THIS AGREEMENT

1. This Agreement embodies the basic conditions for cooperation between the ILO and [Name of country].
2. This Agreement shall apply to all forms of cooperation in [Name of country], including those set out in any relevant document (hereinafter called “cooperation document”) detailing the agreed particulars of such cooperation.
3. All cooperation activities shall be conducted in accordance with the relevant and applicable policies and decisions of the competent ILO organs and ILO regulations, rules, directives and procedures, and subject to the availability of the necessary funds to the ILO.

*Article II*

FORMS OF COOPERATION

1. Cooperation under this Agreement means programmes, projects or other activities involving the ILO, including with the Government and/or workers' or employers' organizations, or, as the case may be, other agencies or organizations in [Name of country], such as:
  - (a) training programmes, technical projects and related activities;
  - (b) advisory services including experts and consultants, selected by and responsible to, the ILO;
  - (c) symposia, seminars, workshops and other meetings; and
  - (d) any other form of cooperation including through country programmes for decent work.
2. Without prejudice to the provisions of any host country agreement between the ILO and [Name of country], the provisions of this Agreement shall apply in the event that the ILO decides to operate a local project office to facilitate cooperation activities under this Agreement.

*Article III*

PERSONNEL FOR COOPERATION ACTIVITIES

1. The ILO will appoint suitable officials to work on cooperation activities in [Name of Country], as the situation requires, and will inform the Government of such appointments where necessary to ensure that ILO officials are treated in accordance with the provisions of Article VII. The ILO may also engage other persons to perform services in respect of the cooperation activities.
2. Appointments of ILO officials and persons performing services for the ILO are made under regulations approved by the Governing Body of the ILO and are subject to ILO regulations, including in respect of their terms and conditions of employment and social security.
3. The Government recognizes the independence of said officials and persons and will not seek to influence them in the discharge of their responsibilities.

*Article IV*

OWNERSHIP OF PROPERTY INCLUDING INTELLECTUAL PROPERTY

1. Subject to any agreement that may provide otherwise, goods, equipment, materials, supplies and other property financed or provided by the ILO shall belong to the ILO unless and until such time as ownership thereof is transferred by agreement to the Government or to any other entity.
2. Where appropriate, the ILO shall make reasonable accommodation to permit the use of any publication or other work resulting from ILO cooperation activities under this Agreement including reproduction and distribution of copies free of royalty or any charge of similar nature. Subject to any agreement that may provide otherwise, intellectual property rights including copyrights, patents and other similar rights resulting from ILO cooperation activities under this Agreement shall belong to the ILO.



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*Article V*

## INFORMATION CONCERNING COOPERATION ACTIVITIES

1. The Government shall furnish the ILO with such relevant reports, maps, accounts, records, statistics, statements, documents and other information as it may request relating to any ILO cooperation activity, its execution or its continued feasibility and soundness, or concerning the compliance by the Government with its responsibilities under this Agreement or cooperation documents.
2. Subsequent to the completion of a cooperation activity under this Agreement, the parties will exchange, as appropriate, any available information as to benefits derived from and activities undertaken to further the purposes of that cooperation activity, including information necessary or appropriate to its evaluation, and will permit observation for this purpose.

*Article VI*IN-KIND CONTRIBUTIONS BY [NAME OF COUNTRY]  
IN EXECUTION OF COOPERATION ACTIVITIES

1. In fulfilment of the Government's responsibility to participate and cooperate in the execution of cooperation activities assisted by the ILO under this Agreement, it shall contribute the agreed in-kind contributions to the extent detailed in the relevant cooperation documents.
2. Whenever the provision of goods, equipment, materials and supplies by the Government forms part of an ILO cooperation activity under this Agreement, the Government shall meet all charges relating to customs clearance of such goods, equipment, materials and supplies, their transportation from the port of entry to the project site together with any incidental handling or storage and related expenses, their insurance after delivery to the project site, and their installation and maintenance.

*Article VII*

## PRIVILEGES AND IMMUNITIES

1. The Government shall apply the provisions of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies, including its Annex I relating to the International Labour Organization in respect of all cooperation activities under this Agreement. Privileges and immunities applied to the ILO shall be no less favourable than those granted to any other public international organization and its officials and staff in [Name of country].
2. Spouses and dependents of ILO officials assigned to [Name of country], who are duly recognized as such by the ILO, shall be granted permission to reside in [Name of country], and to take up employment in accordance with relevant national requirements during the period of the official's assignment.
3. When the ILO is making purchases, whether directly or indirectly, of immovable or movable property or services for its official use, the Government shall ensure appropriate administrative arrangements for the exemption, remission or return of the amount of value added tax or any other duty or tax on the sale of such property or services which form part of the price to be paid.

*Article VIII*

FACILITIES FOR EXECUTION OF  
ILO COOPERATION ACTIVITIES

1. The Government shall grant any facilities required for the speedy and efficient execution of the cooperation activities including the following rights and facilities:
  - (a) prompt issuance without cost of necessary visas, licenses or permits;
  - (b) access to the site of work and all necessary rights of way;
  - (c) free movement within or to or from the country, to the extent necessary for proper execution of the ILO cooperation activity;
  - (d) the most favourable legal rate of exchange;
  - (e) any permits necessary for the importation of goods, equipment, materials and supplies, and for their subsequent exportation;
  - (f) any permits necessary for importation of property belonging to and intended for the personal use or consumption of officials of the ILO or other persons performing services on their behalf, and for the subsequent exportation of such property; and
  - (g) prompt release from customs of items listed in subparagraphs (e) and (f) above.
2. When necessary, the Government shall take all appropriate measures to protect against any intrusion or damage to premises occupied or used by the ILO.
3. Cooperation activities under this Agreement are provided for the benefit of [Name of country], and the Government shall bear all risks of operations arising under this Agreement. It shall be responsible for dealing with claims which may be brought by third parties against the ILO, its officials or other persons or entities performing services on their behalf, and shall indemnify and hold them harmless in respect of claims or liabilities arising in relation to activities under this Agreement except where the parties agree the claim arises from gross negligence or wilful misconduct.

*Article IX*

REDUCTION, SUSPENSION OR TERMINATION  
OF COOPERATION ACTIVITIES

1. If the funds required to finance specific cooperation activities, or any part of them, are not available to the ILO in a timely manner, for reasons beyond the control of the ILO, the scope of the cooperation activities may be reduced or the project may be terminated or suspended by the ILO with immediate effect. In this event, reduction of the scope of the cooperation activities, or their termination or suspension shall not be considered as default on the part of the ILO. Any suspension by the ILO under this provision is without prejudice to its ability to subsequently give the Government written notice of termination of its participation in the cooperation activities concerned.
2. The ILO may delay commencement of its performance of its activities under any cooperation document until the Government or any other entity has complied with any prior obligations stipulated in that document. In the absence of such compliance the activity may be terminated or suspended without notice and at the discretion of the ILO.
3. The ILO may by written notice to the Government suspend or terminate its participation in any cooperation activity if in the judgement of the ILO any circumstance arises which interferes with or threatens to interfere with the successful completion of the activity or the

accomplishment of its purposes. The ILO may, in the same or a subsequent written notice, indicate the conditions under which it is prepared to resume its participation in the activity. Any such suspension shall continue until such time as such conditions are accepted by the Government and as the ILO shall give written notice to the Government that it is prepared to resume its participation.

4. The provisions of this Article shall be without prejudice to any other rights or remedies the ILO may have in the circumstances, whether under this Agreement or under general principles of law.

### *Article X*

#### SETTLEMENT OF DISPUTES

1. The parties shall use their best efforts to settle amicably all disputes, controversies or claims arising out of or in connection with this Agreement or the interpretation thereof.
2. Any dispute, controversy or claim arising out of or relating to this Agreement, or the breach, termination or invalidity thereof which cannot be settled amicably within sixty (60) days, shall be settled by arbitration. Any such arbitration will be conducted in English, French or Spanish and in accordance with the United Nations Commission on International Trade Law Arbitration Rules. The parties hereto agree to be bound by any arbitration award rendered in accordance with this provision as the final adjudication of any dispute.

### *Article XI*

#### GENERAL PROVISIONS

1. This Agreement shall enter into force upon signature by the parties. In the event of conflict, it shall prevail over the provisions of any earlier agreements between the parties.
2. In the event of conflict between the terms of this Agreement and any cooperation document, this Agreement shall prevail.
3. This Agreement may be modified by written agreement between the parties hereto.
4. Following consultation between the parties, this Agreement may be terminated by either party by written notice to the other to be given effect sixty (60) days after receipt of such notice.
5. The obligations assumed by the parties under this Agreement shall survive its termination to the extent necessary to permit the orderly conclusion of activities, the withdrawal of personnel, funds, and property, as well as the settlement of accounts between the parties and the settlement or termination of contractual liabilities that are required in respect to any personnel, subcontractors, consultants, or suppliers.
6. The obligations assumed by the parties under Articles IV, V, VII, VIII(3) and X shall survive the termination of this Agreement.

7. The original of this Agreement is written and signed in [English] [Français] [Español], and it is this language version which shall govern and prevail.

IN WITNESS WHEREOF the undersigned, duly appointed representatives of the ILO and of the Government, respectively, have on behalf of the parties signed the present Agreement in two copies at

\_\_\_\_\_ this \_\_\_\_\_ day of

\_\_\_\_\_

For the International  
Labour Office:

For the Government of  
[Name of country]:

\_\_\_\_\_

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