

UNSDCF

Instructions on the completion of the UNFPA-related text regarding the legal basis of cooperation in the UNSDCF legal annex

Background:

1. General Assembly resolution 72/279 on the repositioning of the United Nations development system in the context of the 2016 Quadrennial Comprehensive Policy Review elevated the United Nations Development Assistance Framework or UNDAF, now renamed the United Nations Sustainable Development Cooperation Framework (“UNSDCF”), to *“the most important instrument for the planning and implementation of United Nations development activities in each country... to be prepared and finalized in consultation and agreement with national Governments”*. The 2020 Quadrennial Comprehensive Policy Review underscored *“the importance for all United Nations development system entities to prepare and finalize their entity-specific country development programme documents in accordance with the agreed priorities of the United Nations Sustainable Development Cooperation Framework and in consultation and agreement with host Governments...”*¹
2. The legal annex is an integral part of the UNSDCF concluded between the concerned Government and the United Nations, including its Funds, Programmes and other subsidiary organs, and other organizations of the United Nations system (“UN System Organizations”) which form the United Nations Country Team. Specifically, the legal annex sets out the principal cooperation, assistance and other agreements already signed between the Government and the UN System Organizations (the “UN Agreements”), as well as referencing the 1946 Convention on the Privileges and Immunities of the United Nations (“General Convention) and the 1947 Convention on the Privileges and Immunities of the Specialized Agencies (“Specialized Agencies Convention”) which, together with the UN Agreements, form the primary existing legal basis for the relationship between the Government and each UN System Organization for supporting the implementation of the UNSDCF.²
3. Where UNFPA has concluded agreements with programme country Governments on the basic conditions under which UNFPA provides assistance to Governments (“UNFPA Basic Agreements”), those UNFPA Basic Agreements normally provide that the relevant UNDP standard basic assistance agreement (or another suitable agreement such as the United Nations Special Fund agreement) shall *mutatis mutandis* apply to UNFPA in the relevant country. These UNFPA Basic Agreements are frequently concluded by an exchange of letters or notes. The foregoing is a general yardstick but not necessarily true for all countries; some basic agreements are structured differently, as agreed between UNFPA and the relevant Government. UNFPA Basic Agreements are registered as treaties pursuant to Art. 102 United Nations Charter.

¹ FAQs on the UNSDCF legal annex

² *Id.*

Completing the UNFPA-portion of the UNSDCF legal annex:

If UNFPA has concluded a Basic Agreement with the Government:

4. Paragraph 2 of the UNSDCF legal annex recalls the existing principal cooperation, assistance and other agreements signed between the Government and the UN System Organizations participating in the UNSDCF, including the UNFPA Basic Agreement if one was concluded. Therefore, in paragraph 2 of the UNSDCF legal annex, you should accurately identify the UNFPA Basic Agreement. For illustration purposes, this is an example of the text to be used for The Gambia:

“e) With the United Nations Population Fund (UNFPA), an agreement concluded by an exchange of letters, which entered into force on 6 November 2014, pursuant to which the standard basic assistance agreement between the Government and the United Nations Development Programme shall *mutatis mutandis* apply to UNFPA in the country.”

If UNFPA has not concluded a Basic Agreement with the Government:

5. If UNFPA has not concluded any Basic Agreement with the Government of your programme country, then UNFPA is not mentioned in paragraph 2 of the legal annex (given that paragraph 2 of the legal annex merely recalls the existing cooperation or assistance agreements already signed between the Government and the UN System Organizations).
6. The above notwithstanding, note that paragraphs 3 through 8 of the legal annex apply to all UN System Organizations participating in the UNSDCF regardless of whether or not they have concluded a basic cooperation or assistance agreement with the Government. Therefore, in countries where there is no UNFPA Basic Agreement, paragraphs 3 through 8 of the legal annex would nevertheless apply to UNFPA in the country.

Checking on the status of a UNFPA Basic Agreement with the UNFPA Legal Unit; seeking assistance:

7. If you are unsure whether UNFPA has concluded a Basic Agreement with the Government of your country or how to complete the text to be used for your UNSDCF legal annex, please consult with the Legal Unit, OED.