



## FOURTH ITEM ON THE AGENDA

**Other legal issues****(c) Cooperation Agreement between the International Labour Organization and the African Development Bank and the African Development Fund**

1. The African Development Bank was established in 1964 for the purpose of contributing to the economic and social progress of its regional members, individually and jointly. It was followed by the African Development Fund, established in 1972, whose purpose was to provide development finance on concessional terms to low-income regional member countries that were unable to borrow on the non-concessional terms of the African Development Bank.
2. The African Development Bank has grown from its original 33 member countries to 77 member countries, 53 in Africa and 24 in the Americas, Europe, and Asia. The African Development Fund's membership comprises 24 non-African state participants and the African Development Bank.
3. The African Development Bank and the African Development Fund are two components of the African Development Bank Group, which in 1999 promulgated the following vision statement:

The African Development Bank Group strives to be the leading development finance institution in Africa, dedicated to providing quality assistance to African Regional Member Countries in their poverty alleviation efforts.

4. The activities of the African Development Bank and the African Development Fund are mainly focused on areas such as the promotion of economic and social development through loans, equity investments, and technical assistance.
5. The Boards of Governors of the African Development Bank and the African Development Fund meet at least once a year, their Boards of Directors direct their general operations, and their President and Chairman of the Board are entrusted with the current business and administration of the Bank and the Fund respectively. The African Development Fund utilizes the officers, staff, organization, services and facilities of the African Development Bank to carry out its functions.

6. The African Development Bank and the African Development Fund have concluded cooperation agreements with the United Nations and a number of specialized agencies.
7. The ILO has been invited as an observer and has attended, on a regular basis, meetings of the Boards of Governors of the African Development Bank and the African Development Fund.
8. During 2001 and 2002, the organizations gave new priority to discussions for closer cooperation. Agreement has now been reached on a text which will replace the earlier Agreement and Memorandum of Understanding between the ILO and the African Development Bank, signed in 1977. The full text of the proposed Cooperation Agreement appears in the appendix to the present document.
9. The proposed Cooperation Agreement aims to facilitate collaboration between the ILO and the African Development Bank and the African Development Fund in matters of common interest. It provides that the ILO and the African Development Bank and the African Development Fund will cooperate in the areas of technical assistance, research, human resource development and training.
10. The proposed Cooperation Agreement also contains provision for the exchange of information on respective policies, plans and activities in the African region on issues of converging interest. The proposed Cooperation Agreement further provides for mutual representation at meetings and conferences of both organizations. In this regard, if the Governing Body agrees to article V of the proposed Cooperation Agreement appended to this document, the African Development Bank and the African Development Fund would receive a standing invitation to the International Labour Conference.
11. ***In light of the foregoing, the Committee may wish to recommend that the Governing Body approve the text of the Cooperation Agreement between the African Development Bank, the African Development Fund and the International Labour Organization, which would replace the earlier Agreement and Memorandum of Understanding, and authorize the Director-General (or his representative) to sign it on behalf of the ILO.***

Geneva, 27 February 2002.

*Point for decision:* Paragraph 11.

## Appendix

### Cooperation Agreement between the International Labour Organization and the African Development Bank and the African Development Fund

**Cooperation Agreement** dated this            day of            2002 between the International Labour Organization (hereinafter referred to as "ILO"), of the one part, and the African Development Bank and the African Development Fund (hereinafter collectively referred to as the "ADB"), of the other part.

#### **The parties to this Cooperation Agreement:**

**Considering** that the mandate of the ADB is to contribute to the economic development and social progress of African countries ("regional countries"), individually and jointly, assisting the regional countries to break the vicious cycle of poverty, through facilitating and mobilizing the flow of external and domestic resources, public and private, promoting investment and providing technical assistance and policy advice;

**Considering** that the ILO contributes to the improvement of social justice through the promotion of international labour standards, full productive quality employment, and decent work for all;

**Recognizing** that the ILO is seeking to enhance its cooperation and partnership with the ADB to facilitate the development and implementation of coordinated and coherent policies and strategies in its overall endeavour to promote these objectives in African countries;

**Mindful** that the ADB as a regional development bank and the ILO as a specialized agency of the UN have complementary roles;

**Conscious** that both organizations should draw upon all their resources in their common areas of competence, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

**Desirous** of developing and strengthening cooperation with respect to matters of common concern, and more particularly, the development, in their common member countries, of policies that emphasize the importance of increasing full and productive employment and incomes, economic integration and cooperation, enterprise promotion, labour law and labour administration, development of effective labour markets and labour market information systems, human resources development, good governance, labour standards and the respect of fundamental principles and rights at work, gender issues, social protection and social dialogue as part of the general process of enabling participatory economic and social development;

**Convinced** that the development and strengthening of such cooperation would be of mutual benefit to both organizations and would enhance cooperation among their member States;

#### **Have agreed as follows:**

#### Article I

#### **Purpose and scope**

1. The purpose of the present Cooperation Agreement is to facilitate collaboration between the ILO and the ADB in matters of common interest to them and particularly in the following activities:

- (a) country-level operational work, including technical assistance activities, in accordance with their respective competence and capacities, and their respective priorities;
- (b) promotion of networking among development institutions in the region using formal as well as informal mechanisms;

- (c) the development of policies and procedures including those concerned with employment promotion, international labour standards and fundamental principles and rights at work, gender, social protection, and social dialogue;
- (d) research studies on matters within the competence of the ILO which the ADB or the ILO may need from time to time;
- (e) human resource development and training, including joint staff training activities as appropriate, and a programme of cooperation between the Joint African Institute and the ILO International Training Centre in Turin;
- (f) mutual cooperation in all other aspects which are consistent with the objectives of both organizations and the spirit of this agreement.

2. Any activity carried out by the ILO or the ADB pursuant to this Agreement shall be consistent with the policies, rules and regulations of each organization.

## Article II **Mutual consultation**

The ILO and the ADB shall maintain regular consultations on issues of strategic importance such as the social dimensions of economic development, and other matters of common interest for the purpose of furthering the effective achievement of the objectives they have in common and to ensure the greatest possible coordination of activities with a view to maximizing complementarity and mutual support.

## Article III **Implementation mechanism**

To facilitate implementation of this Cooperation Agreement, the parties hereto shall establish close cooperation between their respective staff to ensure the achievement of the objectives of this Cooperation Agreement, and to this end shall meet on a regular basis to plan and agree, as appropriate, on specific cooperative activities. Activities to be carried out pursuant to this Cooperation Agreement shall be subject to prior written agreement delineating the respective administrative and financial responsibilities of all parties concerned.

## Article IV **Exchange of information**

The ILO and the ADB commit themselves to exchange information on their respective policies, plans and activities in the African region on issues of converging interest. The ILO and the ADB shall combine their efforts to use their data and information to the best effect and to ensure the most efficient utilization of their resources in the collection, analysis, publication and diffusion of such information, subject to such arrangements as may be necessary for safeguarding the confidential character of any part thereof.

## Article V **Reciprocal representation**

The ILO shall invite representatives of the ADB to attend annual meetings of the International Labour Conference and participate whenever appropriate at such other Regional Meetings of the ILO in which the ADB has expressed an interest. The ADB shall invite the ILO as a guest to the annual meetings of the Board of Governors and to send observers to or to be represented at such other appropriate meetings established by the ADB in which the ILO has expressed an interest. Invitations shall be subject to the rules and procedures applicable to the respective meeting or conference.

## Article VI **Selection of the ILO as an executing or implementing agency**

The ILO is uniquely qualified to provide technical assistance, advice and training in many areas of expertise relating to its four strategic objectives which are: to promote and realize standards and fundamental principles and rights at work; create greater opportunities for women and men to secure decent employment and income; enhance the coverage and effectiveness of social protection for all; and strengthen social dialogue. It therefore may be engaged to implement ADB-financed

loan and grant activities in these areas through a single source selection procedure, when this is in the mutual interest of the parties concerned.

## Article VII Channel of communication and notices

1. For the purpose of facilitating the implementation of this Cooperation Agreement, the channel of communication for the parties shall be:

(a) For the ILO:

ILO Regional Office  
01 BP 3960 Abidjan 01  
Côte d'Ivoire  
Tel: (225) 20 21 26 39  
Fax: (225) 20 21 28 80  
Internet: www.ilo.org

(b) For the Bank and the Fund:

African Development Bank  
01 BP 1387  
Abidjan 01  
Côte d'Ivoire  
Tel: (225) 20 20 41 41  
Fax: (225) 20 20 40 70  
Internet: www.afdb.org

2. For the purpose of this Cooperation Agreement, the focal points of the parties shall be:

(a) For the ILO: Head of Regional Programming Unit;

(b) For the ADB: Head of the Cooperation Unit.

3. Either party may, by notice in writing to the other party, designate additional representatives or substitute other focal points for those designated in this article.

4. Any notice, request or other communication under this Cooperation Agreement shall be in writing and shall be deemed to have been duly given or made when it has been delivered by hand, mail, cable, telex or telefax, as the case may be, by either party to the other at the address specified in the Agreement or such other address as either party may notify to the other party.

## Article VIII Supplementary arrangements and amendments

The parties to this Cooperation Agreement may by a simple exchange of letters enter into supplementary arrangements within the scope of this Cooperation Agreement, or amend any provision herein contained.

## Article IX Cost-sharing arrangements

Costs or expenses relating to, or arising from, activities undertaken pursuant to this Cooperation Agreement shall be borne by one or both parties in accordance with the written agreements to be reached by the parties in advance of the implementation of the activities.

## Article X Entry into force, modification and termination

1. The present Agreement cancels and replaces the Agreement between the ILO and the African Development Bank and the Memorandum of Understanding on Working Arrangements between the ILO and the African Development Bank and the African Development Fund, signed on 18 April 1977, as well as any subsequent modifications.

2. The present Agreement will enter into force on the date on which it is signed by the authorized representatives of the ILO and the ADB.

3. The present Agreement may be modified by an appropriate written amendment signed by both parties and annexed to this Agreement.

4. The present Agreement may be terminated by the written consent of the two parties or by either party giving the other party six (6) months' written notice.

**In witness whereof**, the International Labour Organization, the African Development Bank and the African Development Fund, each acting through its duly authorized representative, have signed this Agreement on the date first above written in two original counterparts in the English language.

\* \* \*

For the International Labour Organization

For the African Development Bank and the  
African Development Fund

Juan Somavia,  
Director-General.

Omar Kabbaj,  
President.