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INTERGOVERNMENTAL COMMITTEE OF THE
WHOLE TO DRAW UP A CONSTITUTION FOR
UNIDO AS A SPECIALIZED AGENCY

Second Session

Vienna, 22 March - 2 April 1976

WORKING RESUME

OF THE SECOND SESSION OF THE INTERGOVERNMENTAL COMMITTEE OF THE WHOLE TO
DRAW UP A CONSTITUTION FOR UNIDO AS A SPECIALIZED AGENCY

ADDENDUM 1

TABULATED SYNTHESIS

of proposed texts on a draft constitution for UNIDO as a specialized agency

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Notes

1. In this tabulated synthesis, which was informally prepared by the Rapporteur with the assistance of the Legal Liaison Officer of UNIDO, an attempt has been made to consolidate the various texts proposed by groups of countries or individual countries. The material used for this purpose consisted of the texts of draft constitutions as proposed by the secretariat, the Group of 77, and Group B (A/10202 and A/AC.180/CRP.2), as well as draft preambles and certain draft articles submitted by the groups and individual countries in writing (A/AC.180/CG/WP.1-7) and verbally during the deliberations of the Contact Group. Annex I (Preparatory Commission) and Annex II (Transitional privileges and immunities) attached to both the draft constitution of the secretariat and of the Group of 77 were also considered for the purpose of the synthesis although these annexes were not the subject of deliberations in the Contact Group. In a few cases, such as Art. 1 (Objectives), Art. 2 (Functions) and Art. 11 (Art. 12 of Group of 77) (Programme and Budget), the texts of the proposals diverged widely, so that consolidation was not possible without sacrificing clarity, and the texts were compiled in a non-integrated manner. However, in order to facilitate the comparison of the proposals, cross references have been provided.
2. The first column of the tabulation contains the texts of the various proposals. The numbers attached to each proposal refer to the sources indicated by abbreviated forms in the second column (see next paragraph). For practical purposes, the draft constitution of the Secretariat is taken as a basis. When the proposals from several sources are identical, only one text is given in the first column, and the several sources for it are indicated in the second column. Proposals that differ from the secretariat's draft have been put in brackets. Their sources are also indicated in the second column. The cross references for Articles 1, 2 and 11 are given in the third column, headed "Notes".
3. Unless otherwise indicated, the meanings of the abbreviated forms identifying sources in the second column are as follows:

Secretariat	The text prepared by the Secretary-General in consultation with the Executive Director of UNIDO (A/10202 and A/AC.180/CRP.2, first column)
Group 77	The text prepared by a working group of the Group of 77 (A/AC.180/CRP.2, second column)
Group B	The text prepared by Group B (A/AC.180/CRP.2, third column, and A/AC.180/CG.WP.2)
Group D	The texts of a preamble, article 1 of chapter I, chapter II and chapter III prepared by certain Group D countries (A/AC.180/CG/WP.1 A/AC.180/CG/WP.3, A/AC.180/CG/WP.6)

Text	Sources	Notes
<u>Preamble</u>		
<u>The States Parties to this Constitution</u> , (1)		
In conformity with the Charter of the United Nations, (1)	(1) Secretariat Group 77 Group B Group D	
[and, in particular, its basic goal of maintaining peace and security] (2)	(2) Group D	
<u>Mindful</u> of the principles contained in resolutions 3201 (S-VI) and 3202 (S-VI) of the United Nations General Assembly and in the Lima Declaration and Plan of Action on Industrial Development and Co-operation (3)	(3) Secretariat	
[Mindful of the principles enunciated and accepted in the sixth special session of the General Assembly which call for the establishment of a New International Economic Order and the Declaration and Plan of Action for industrial development and co-operation adopted by the Lima Conference] (4)	(4) Group 77	
<u>Considering</u> : The growing desire of all countries and peoples to expand international co-operation, and specifically in the industrial sphere, on the basis of the principles of peaceful coexistence, non-interference in one another's internal affairs and respect for national independence and sovereignty, and on that basis to establish a new international economic order for the purpose of eliminating existing economic inequality and ensuring the economic and social progress of the developing countries in the interests of the well-being and general prosperity of the entire international community,		

Text	Sources	Notes
The decisive importance of industry in the contemporary economic development of all countries and particularly in the reshaping of the economic structures of the developing countries as a means of ensuring their participation in the international division of labour as economically independent partners with equal rights,7 (5)	(5) Group D	
<u>Declaring</u> that (6)	(6) Secretariat Group D	
<u>/Declare that/</u> (7)	(7) Group 77	
<u>/Convinced that/</u> (8)	(8) Group B	
It is necessary to establish a just and equitable economic and social order to be achieved through rational and equitable international economic relations and the encouragement of the necessary structural changes in the world economy, (9)	(9) Secretariat Group 77	
<u>/It is important to achieve a more just and more equitable economic and social order through rational international economic relations,7</u> (10)	(10) Group B	
There is a close interrelationship between the prosperity of the developed countries and the growth and development of the developing countries, and the prosperity of the international community as a whole depends upon the prosperity of its constituent parts, (11)	(11) Secretariat Group B	
International co-operation for development is the shared goal and common duty of all countries, and therefore the political, economic and social well-being of present and future generations depends more than ever on co-operation among all members of the international community on the basis of sovereign equality and the removal of the disequilibrium that exists between them, (12)	(12) Secretariat	

Text	Sources	Notes
<p>International co-operation for development is the shared goal of all countries, and therefore the economic and social well-being of present and future generations depends more than ever on co-operation among all members of the international community on the basis of sovereign equality and the establishment of a situation of equilibrium and equity among them, (13)</p>	(13) Group B	
<p>As international co-operation for development is the shared goal and common duty of all countries it is essential to promote industrialization through concerted measures including the development and transfer of technology at the national, regional and international levels, (14)</p>	(14) Group 77	
<p>Industrialization is a dynamic instrument of growth essential to the rapid economic and social development of the developing countries, to the improvement of the living standards and the quality of life of the people in those countries, and to the introduction of an equitable economic and social order, (15)</p>	(15) Secretariat Group 77	
<p>Industrialization is a dynamic instrument of growth whose proper application is essential to rapid economic and social development, to improvement of living standards and quality of life of the people, and to promotion of equitable economic and social conditions in all countries, (16)</p>	(16) Group B	
<p>Any process of industrialization must conform to the broad objectives of self-sustaining and integrated socio-economic development, and all countries have the sovereign right to make the necessary changes to ensure the just and effective participation of their peoples in industry (17)</p>	(17) Secretariat Group 77	
<p>and to share in the benefits deriving therefrom, (18)</p>	(18) Secretariat	
<p>and the benefits deriving therefrom, (19)</p>	(19) Group 77	

Text	Sources	Notes
<p>It is essential to promote industrialization through concerted measures at the national, regional and international levels with a view to modernizing the economies of the developing countries, (20)</p>	<p>(20) Secretariat Group B</p>	
<p>All countries, irrespective of their social and economic systems, are determined to promote the common welfare of their peoples and to maintain peace and security by individual and collective actions to secure for the developing countries their rightful share in total world industrial production, (21)</p>		
<p>√All countries, irrespective of their social and economic systems, are determined to promote the common welfare of their peoples by individual and collective actions to secure for the developing countries their rightful share in total world industrial production, 7 (22)</p>	(22) Group 77	
<p>√All countries, irrespective of their social and economic systems, are determined to promote the common welfare of their peoples through utmost efforts to enlarge total world industrial production and enlarge the share of the developing countries in it, 7 (23)</p>	(23) Group B	
<p>√International co-operation in the industrial sphere is the shared goal and common duty of all countries, and should contribute towards:</p>		
<p>Further developing and improving world industrial production in conformity with the broad objectives of autonomy and integrated socio-economic development and the elevation of the general level of prosperity of all peoples,</p>		
<p>Securing for the developing countries an equitable share in world industrial production through the implementation of a long-range industrial policy and strategy, long-term planning, the encouragement of progressive change, the fuller mobilization of national and international resources, the exchange of experience between countries</p>		

Text	Sources	Notes
with different social and economic systems and the utilization of such experience, the transfer and adaptation of modern technology, and also through other concerted measures at the national, regional and international levels with a view to accelerating the industrialization of the developing countries and bringing about more harmonious international industrial development. ⁷ (24)	(24) Group D	
<u>Guided by these principles and goals,</u> ⁷ (25)	(25) Group D	
Agree to the present Constitution and hereby <u>wish to</u> (26) establish, within the terms of Chapter IX of the Charter of the United Nations, a specialized agency to be known as the United Nations Industrial Development <u>and Co-operation</u> (26) Organization (UNIDO) (hereinafter called the "Organization"), (27) which shall play the central role in and be responsible for reviewing and promoting the co-ordination of all activities of the United Nations system in the field of industrial development, in conformity with the responsibilities of the Economic and Social Council under the Charter of the United Nations and with the applicable relationship agreements. (28)	(26) Group B (27) Secretariat Group 77 Group B */ Group D (28) Secretariat Group 77 Group D	 */ Note of Group B as to its proposals for a Preamble (A/AC.180/CG/WP.2): "The above text is proposed on the understanding that there should not be any references to the preamble in the operative parts of the Constitution."

Text	Sources	Notes
<p>CHAPTER I</p> <p>OBJECTIVES AND FUNCTIONS</p> <p><u>Article 1</u></p> <p><u>Objectives</u></p> <p>The objectives of the Organization shall be:</p> <p>(a) To develop new concepts and approaches in respect of industrial development on a global scale;</p> <p>(b) Subject to the provisions of the Charter of the United Nations, to co-ordinate the activities of the United Nations system in the field of industrial development;</p> <p>(c) To furnish, as appropriate, assistance to the developing countries in the promotion and acceleration of their industrialization, in particular in the development, expansion and modernization of their industries;</p> <p>(d) To provide a forum and to act as an instrument to serve the developing countries and the industrialized countries in their contacts, consultations and negotiations directed towards the industrialization of the developing countries. (1)</p> <p>√The objectives of the Organization shall be the promotion and acceleration of industrial development in developing countries in accordance with the principles embodied in the Preamble with a view to assisting in the establishment of a New International Economic Order.√ (2)</p> <p>√The aim of the Organization shall be the promotion through international co-operation of industrial development of its members and in the first place of the developing countries.√ (3)</p>		
		cf. Group 77 Art. 2(d), Group B Art. 1 para. 2(a), and Group D Art. 1(b)
		cf. Group 77 Art. 2(b) and Group B Art. 1 para. 2(e) and Art. 2(o) BIS.
		cf. Group 77 Art. 2(a), Group B Art. 1 para. 2(b) and Group D Art. 1(d)
		cf. Group 77 Art. 2(c), Group B Art. 1 para. 2(c) and Group D Art. 1(e)
	(1) Secretariat	
	(2) Group 77	
	(3) France (verbally)	

Text	Sources	Notes
<p>✓The objectives of the Organization shall be the promotion and acceleration of industrial development of developing countries through international co-operation, as well as the promotion of industrial development in compliance with the needs of a new economic order.✓ (4)</p>	(4) Algeria (verbally)	
<p>✓<u>Objective and Functions</u></p>		
<p>1. The Organization shall promote industrial development and co-operation on a global, regional, national and sectoral level.</p>		
<p>2. In pursuit of this objective the Organization may:</p>		
<p>(a) Create new, and develop existing, concepts and approaches to industrial development and co-operation;</p>		cf. Secretariat Art. 1(a), Group 77 Art. 2(d) and Group D Art. 1(b)
<p>(b) Furnish assistance as appropriate and upon the request of member governments, in the formulation of industrial development programmes, preparation of specific industrial projects, training of personnel, and obtaining of external financing for specific industrial projects, in order to promote and accelerate industrialization;</p>		cf. Secretariat Arts. 1(c) and 2(1), Group 77 Art. 2(a) and (q), Group B Art. 2(1) and Group D Art. 1(d) and (s)
<p>(c) Provide a forum and act as an instrument to serve the developing countries and the industrialized countries in their contacts and consultations directed towards technological, informational, managerial and economic co-operation in the field of industry, and in particular towards the industrialization of the developing countries;</p>		cf. Secretariat Art. 1(d) and Group D Art. 1(e)
<p>(d) Serve as a clearing house for industrial information;</p>		cf. Group D Art. 1(e)
<p>(e) Co-ordinate the activities of the United Nations system in the field of industrial development, subject to the provisions of the United Nations Charter.</p>		cf. Secretariat Art. 1(b), Group 77 Art. 2(b) and Group B Art. 2(o) BIS
<p>3. In carrying out its functions the Organization will give particular attention to promoting, through industrialization, the economic and social development of developing countries, having regard to the special problems of the least-developed, and land-locked and island developing countries.✓ (5)</p>	(5) Group B	cf. Group 77 Art. 2(j) and Group D Art. 1(m)

Article 1 - Functions

In accordance with the principles and objectives set forth in the Preamble, the Organization shall:

cf. Group 77 Art. 2

(a) Contribute towards the expansion of international industrial co-operation for the purpose of improving world industrial production and the international division of labour and promoting the well-being of all peoples and, in particular, the peoples of the developing countries;

(b) Develop concepts and approaches in respect of industrial development on the basis of studies of trends and prospects for change in the international industrial structure and with due consideration for the methods employed by countries with different socio-economic systems for solving industrialization problems;

cf. Secretariat Art. 1(a),
Group 77 Art. 2(d) and
Group B Art. 1 para. 2(a)

(c) Carry out studies and surveys for the purpose of assisting States in formulating industrial policies, long-range strategies and national plans, and, where possible, industrial development models aimed at uniform and balanced industrial development;

cf. Secretariat Art. 2(a) and
Group B Art. 2(a)

(d) Furnish, as appropriate, assistance to the developing countries in the promotion and acceleration of their industrialization, in particular in the development, expansion and modernization of their national industries by, inter alia, assisting them in the assertion of sovereignty over their natural resources and in the exploration and independent utilization of these resources, and also in the training and development of manpower resources in the sphere of industrial production;

cf. Secretariat Art. 1(c),
Group 77 Art. 2(a) and
Group B Art. 1 para. 2(b)

(e) Act as a clearing-house for the exchange of experience and industrial information and as an instrument to serve the developing countries and the industrialized countries in their contacts, consultations and negotiations on industrial development questions;

cf. Secretariat Art. 1(d),
Group 77 Art. 2(c) and
Group B Art. 1 para. 2(c) and (d)

Text	Sources	Notes
(f) Promote the exchange of industrial development experience between countries with different socio-economic systems and the expansion of economic, scientific and technological co-operation between them on the basis of the principles of equality and mutual advantage;		
(g) Assist the developing countries in bringing about progressive change with a view to the reshaping of economic structures and the fuller mobilization of domestic resources and potential in the interests of accelerating industrial and social progress in these countries;		cf. Secretariat Art. 2(c), Group 77 Art. 2(g) and Group B Art. 2(k)
(h) Promote and encourage the development of State and co-operative sectors and the use of planning techniques, and assist in the formulation of development, scientific and technological programmes and plans for industrialization;		cf. Secretariat Art. 2(h), Group 77 Art. 2(e) and Group B Art. 2(h)
(i) Encourage and assist in the development of an integrated and inter-disciplinary approach towards the accelerated industrialization of the developing countries;		cf. Secretariat Art. 2(b), Group 77 Art. 2(f) and Group B Art. 2(b)
(j) Assist the developing countries in the establishment and operation of industries, including basic and agro-related industries, to ensure the full utilization of locally available natural and human resources and the production of goods for domestic and export markets;		cf. Secretariat Art. 2(c), Group 77 Art. 2(g) and Group B Art. 2(c)
(k) Collect and monitor, analyse and generate for the purpose of dissemination to interested States Members of the United Nations information on all aspects of industrial development on global, regional and national as well as on sectoral levels;		cf. Secretariat Art. 2(e), Group 77 Art. 2(h) and Group B Art. 2(e)
(l) Develop special measures designed to promote co-operation among developing countries and between the developed and the developing countries;		cf. Secretariat Art. 2(d), Group 77 Art. 2(i) and Group B Art. 2(d)
(m) Devote particular attention to the adoption of special measures aimed at assisting the least developed, land-locked and island developing countries, as well as those developing countries most seriously affected by natural calamities, without losing sight of the interests of the other developing countries;		cf. Secretariat Art. 2(d), Group 77 Art. 2(j) and Group B Art. 1 para. 3

Text	Sources	Notes
(n) Advise on and assist the developing countries in the exploitation, conservation and local renewal of their natural resources for the purpose of furthering the industrialization of developing countries within the framework of appropriate regional and subregional groupings among those countries;		cf. Secretariat Art. 2(k), Group 77 Art. 2(p) and Group B Art. 2(k)
(o) Promote, encourage and assist in the development, adaptation, transfer and utilization of industrial technology, with due regard for the socio-economic conditions and the specific requirements of the industry concerned, with special reference to the transfer of technology from the industrialized to the developing countries as well as between the developing countries themselves;		cf. Secretariat Art. 2(g), Group 77 Art. 2(1) and Group B Art. 2(g)
(p) Assist in the establishment and structural consolidation of national research institutes as well as centres for standardization, product quality control and metrology, and promote the strengthening of direct ties between these institutes and centres and industrial enterprises;		
(q) Provide advisory and other assistance in the planning and implementation of accelerated programmes for the training in the developing countries of national industrial, engineering and administrative personnel, and in the establishment of an appropriate training network on a national, regional and global basis;		cf. Secretariat Art. 2(j), Group 77 Art. 2(o) and Group B Art. 2(j)
(r) Assist the developing countries in effectively controlling and regulating the activities of transnational corporations to protect and further the industrialization process in the national interest;		
(s) Assist Governments of developing countries, on request, in obtaining external financing for specific industrial projects on fair, equitable and mutually acceptable terms;		cf. Secretariat Art. 2(1), Group 77 Art. 2(q) and Group B Art. 1 para. 2(b) and Art. 2(1)
(t) Provide, wherever necessary, pilot and demonstration plants for accelerating industrialization in particular sectors;		cf. Secretariat Art. 2(o), Group 77 Art. 2(r) and Group B Art. 2(o)
(u) Generally, take all necessary and appropriate action to implement the principles and objectives set forth in the Preamble. ⁷ (6)	(6) Group D	cf. Secretariat Art. 2(p) and Group 77 Art. 2(s)

Article 2Functions

In the fulfilment of its objectives, the Organization, using its own funds and resources as well as those made available by other organizations and agencies, shall:

(a) Carry out studies and surveys with a view to developing new lines of action directed towards harmonious and balanced industrial development;

cf. Group B Art. 2(a) and
Group D Art. 1(c)

(b) Encourage and assist in the development of an integrated and interdisciplinary approach towards the accelerated industrialization of the developing countries;

cf. Group 77 Art. 2(f),
Group B Art. 2(b) and
Group D Art. 1(i)

(c) Assist the developing countries in the establishment and operation of industries, including agro-related and basic industries, to ensure the utilization of locally available natural resources and the production of goods for domestic and export markets, as well as contribute to the self-reliance of these countries;

cf. Group 77 Art. 2(g),
Group B Art. 2(c) and
Group D Art. 1(j)

(d) Develop special measures designed to promote co-operation among developing countries and to assist the least developed among them;

cf. Group 77 Art. 2(i) and (j),
Group B Art. 2(d) and
Group D Art. 1(l) and (m)

(e) Collect and monitor on a selective basis, analyse and generate for the purpose of dissemination information on all aspects of industrial development on global, regional and national, as well as on sectoral levels;

cf. Group 77 Art. 2(h),
Group B Art. 2(e) and
Group D Art. 1(k)

(f) Encourage and promote collective action directed towards the establishment and strengthening of industrial, business and professional associations, and similar organizations related to industrial development;

cf. Group 77 Art. 2(m) and
Group B Art. 2(f)

(g) Promote, encourage and assist in the development, adaptation, transfer and use of industrial technology, with due regard for the socio-economic conditions and the specific requirements of the industry concerned;

cf. Group 77 Art. 2(l),
Group B Art. 2(g) and
Group D Art. 1(o)

Text	Sources	Notes
(h) Promote and encourage the development and use of planning techniques, and assist in the formulation of development, scientific and technological programmes and plans for industrialization;		cf. Group 77 Art. 2(e) and Group D Art. 1(h)
(i) Assist in the establishment and operation of institutional infrastructure for the provision of regulatory, advisory and developmental services to industry;		cf. Group 77 Art. 2(n) and Group B Art. 2(i)
(j) Organize industrial training programmes;		cf. Group 77 Art. 2(o), Group B Art. 2(j) and Group D Art. 1(q)
(k) Advise on and assist in the exploitation, conservation and transformation of natural resources for the purpose of furthering the industrialization of developing countries;		cf. Group 77 Art. 2(p), Group B Art. 2(k) and Group D Art. 1(n)
(l) Assist the developing countries in obtaining external financing for specific industrial projects;		cf. Group 77 Art. 2(q), Group B Art. 1 para. 2(b) and Art. 2(1) and Group D Art. 1(s)
(m) Propose conventions and agreements;		cf. Group B Art. 2(m)
(n) Make recommendations in respect of industrial development matters;		cf. Group B Art. 2(n)
(o) Provide, wherever necessary, pilot and demonstration plants for accelerating industrialization in particular sectors;		cf. Group 77 Art. 2(r), Group B Art. 2(o) and Group D Art. 1(t)
(p) Take all necessary and appropriate action to implement the principles set forth in the Preamble and in article 1. (7)	(7) Secretariat	cf. Group 77 Art. 2(s) and Group D Art. 1(u)

Article 2Functions

In accordance with the principles established in the Preamble and in fulfilment of its objectives set forth in article 1, the Organization shall:

cf. Group D Art. 1

(a) Encourage and extend, as appropriate, assistance to the developing countries in the promotion and acceleration of their industrialization, in particular in the development, expansion and modernization of their industries;

cf. Secretariat Art. 1(c),
Group B Art. 1 para. 2(b) and
Group D Art. 1(d)

(b) In accordance with the Charter of the United Nations, initiate, co-ordinate and follow-up the activities of the United Nations system with a view to enabling the Organization to play the central co-ordinating role in the field of industrial development;

cf. Secretariat Art. 1(b)
Group B Art. 1 para. 2(e) and
Art. 2(o) BIS.

(c) Provide a forum and act as an instrument to serve the developing countries and the industrialized countries in their contacts, consultations and negotiations directed towards the industrialization of the developing countries;

cf. Secretariat Art. 1(d) and
Group D Art. 1(e)

(d) To develop new concepts and approaches in respect of industrial development on a global, national and regional level and carry out studies and surveys with a view to formulating new lines of action directed towards harmonious and balanced industrial development;

cf. Secretariat Art. 1(a),
Group B Art. 1 para. 2(a) and
Group D Art. 1(b)

(e) Promote and encourage the development and use of planning techniques, and assist in the formulation of development, scientific and technological programmes and plans for industrialization;

cf. Secretariat Art. 2(h) and
Group D Art. 1(h)

(f) Encourage and assist in the development of an integrated and interdisciplinary approach towards the accelerated industrialization of the developing countries;

cf. Secretariat Art. 2(b),
Group B Art. 2(b) and
Group D Art. 1(i)

Text	Sources	Notes
<p>(g) Assist the developing countries in the establishment and operation of industries including agro-related and basic industries, to ensure the full utilization of locally available natural and human resources and the production of goods for domestic and export markets, as well as contribute to the self-reliance of these countries;</p>		<p>cf. Secretariat Art. 2(c), Group B Art. 2(c) and Group D Art. 1(j)</p>
<p>(h) Collect and monitor on a selective basis, analyse and generate for the purpose of dissemination information on all aspects of industrial development on global, regional and national, as well as on sectoral levels;</p>		<p>cf. Secretariat Art. 2(e), Group B Art. 2(e) and Group D Art. 1(k)</p>
<p>(i) Develop special measures designed to promote co-operation among developing countries and between the developed and developing countries;</p>		<p>cf. Secretariat Art. 2(d), Group B Art. 2(d) and Group D Art. 1(l)</p>
<p>(j) Devote particular attention to the adoption of special measures aimed at assisting the least-developed, land-locked, and island developing countries, as well as those developing countries most seriously affected by economic crises and natural calamities, without losing sight of the interests of the other developing countries;</p>		<p>cf. Secretariat Art. 2(d), Group B Art. 1 para. 3 and Group D Art. 1(m)</p>
<p>(k) Assist, in co-operation with other appropriate bodies, the regional planning of industrial development of the developing countries within the framework of regional and sub-regional groupings among those countries;</p>		
<p>(l) Promote, encourage and assist in the development, selection, adaptation, transfer and use of industrial technology, with due regard for the socio-economic conditions and the specific requirements of the industry concerned, with special reference to the transfer of technology from the industrialized to the developing countries as well as between the developing countries themselves;</p>		<p>cf. Secretariat Art. 2(g), Group B Art. 2(g) and Group D Art. 1(o)</p>

Text	Sources	Notes
(m) Encourage and promote collective action directed towards the establishment and strengthening of industrial, business and professional associations, and similar organizations related to industrial development;		cf. Secretariat Art. 2(f) and Group B Art. 2(f)
(n) Assist in the establishment and operation of institutional infrastructure for the provision of regulatory, advisory and developmental services to industry;		cf. Secretariat Art. 2(i) and Group B Art. 2(i)
(o) Organize and support industrial training programmes aimed at assisting the developing countries in the training of technical and other appropriate categories of personnel needed at various phases for their accelerated industrial development;		cf. Secretariat Art. 2(j), Group B Art. 2(j) and Group D Art. 1(q)
(p) Advise on and assist the developing countries in the exploitation, conservation and local transformation of their natural resources for the purpose of furthering the industrialization of developing countries;		cf. Secretariat Art. 2(k), Group B Art. 2(k) and Group D Art. 1(n)
(q) Assist, at the request of Governments of the developing countries, in obtaining external financing for specific industrial projects on fair equitable and mutually acceptable terms;		cf. Secretariat Art. 2(l), Group B Art. 1 para. 2(b) and Art. 2(1) and Group D Art. 1(s)
(r) Provide, wherever necessary, pilot and demonstration plants for accelerating industrialization in particular sectors;		cf. Secretariat Art. 2(o), Group B Art. 2(o) and Group D Art. 1(t)
(s) Generally to take all necessary and appropriate action to implement the principles and objectives set forth in the Preamble and in article 1.7 (8)	(8) Group 77	cf. Secretariat Art. 2(p) and Group D Art. 1(u)

Article 2Activities

In the fulfilment of its objectives and functions the Organization may:

(a) Carry out studies and surveys with a view to developing new lines of action directed towards harmonious and balanced industrial development of all countries;

cf. Secretariat Art. 2(a) and
Group D Art. 1(c)

(b) Encourage and assist in the development of an integrated and inter-disciplinary approach towards accelerated industrialization;

cf. Secretariat Art. 2(b),
Group 77 Art. 2(f) and
Group D Art. 1(i)

(c) Assist the developing countries in the establishment and operation of industries, including agro-related and basic industries, to ensure the efficient utilization of locally available natural resources and the production of goods for domestic and export markets, as well as contribute to regional development and to their self-reliance;

cf. Secretariat Art. 2(c),
Group 77 Art. 2(g) and
Group D Art. 1(j)

(d) Develop special measures designed to promote co-operation among developing countries;

cf. Secretariat Art. 2(d), Group 77 Art. 2(i)
and Group D Art. 1(l)

(e) Collect and monitor on a selective basis, analyse and generate for the purpose of dissemination information on all relevant aspects of industrial development on a global, regional, national and sectoral level, in particular on technological innovations originated in both developed and developing countries;

cf. Secretariat Art. 2(e),
Group 77 Art. 2(h) and
Group D Art. 1(k)

(f) Encourage and promote action directed towards the establishment and strengthening of industrial, business and professional associations, and similar organizations related to industrial development;

cf. Secretariat Art. 2(f) and
Group 77 Art. 2(m)

(g) Promote, encourage, and assist in the development, adaptation, transfer and use of industrial technology, with due regard for the socio-economic conditions and the specific requirements of the industry concerned;

cf. Secretariat Art. 2(g),
Group 77 Art. 2 (l) and
Group D Art. 1 (o)

Text	Sources	Notes
(h) Promote and encourage the development and use of planning techniques, and assist in the formulation of development, scientific and technological programmes and plans for industrialization;		cf. Secretariat Art. 2(h), Group 77 Art. 2(e) and Group D Art. 1(h)
(i) Assist in the establishment and operation of institutional infrastructure for the provision of regulatory, advisory and developmental services to industry;		cf. Secretariat Art. 2(i) and Group 77 Art. 2(n)
(j) Support and organize industrial training programmes;		cf. Secretariat Art. 2(j), Group 77 Art. 2(o) and Group D Art. 1(q)
(k) Offer advice and guidance in close co-operation with the appropriate bodies of the United Nations, the specialized agencies and the International Atomic Energy Agency, on problems relating to the exploitation and efficient use of natural resources, raw materials, by-products, and new products of developing countries with a view to increasing their industrial productivity and contributing to the diversification of their economies ⁷ ;		cf. Secretariat Art. 2(k), Group 77 Art. 2(p) and Group D Art. 1(n)
(l) Assist the developing countries in obtaining external financing for specific industrial projects;		cf. Secretariat Art. 2(l), Group 77 Art. 2(q), Group B Art. 1 para. 2(b) and Group D Art. 1(s)
(m) Propose conventions and agreements;		cf. Secretariat Art. 2(m)
(n) Make recommendations in respect of industrial development matters;		cf. Secretariat Art. 2(n)
(o) Provide pilot and demonstration plants for accelerating industrialization in particular sectors;		cf. Secretariat Art. 2(o), Group 77 Art. 2(r) and Group D Art. 1(t)
(o) BIS. Facilitate and promote co-ordination and co-operation within their fields of competence among all relevant organizations of the United Nations system with a view to achieving a harmonized and well-balanced approach of the United Nations system to problems of industrial development;		cf. Secretariat Art. 1(b), Group 77 Art. 2(b) and Group B Art. 1 para. 2(e)
(p) Furnish such other assistance as member governments may request in pursuit of the Organization's objective as set forth in article 1.7 (9)	(9) Group B	

CHAPTER II

MEMBERSHIP

Article 3Members

1. States Members of the United Nations or of a specialized agency or of the International Atomic Energy Agency may become Members of the Organization by becoming parties to this Constitution in accordance with Article 21. (1)

(1) Secretariat
Group 77
Group B

1. [All States which associate themselves with the purposes and principles of the Organization and have acceded to the Constitution in accordance with its requirements may become Members of the Organization.] (2)

(2) Group D

2. Other States may become Members of the Organization by becoming parties to this Constitution in accordance with paragraph 3 of Article 21, after their membership has been approved by the Conference, by a two-thirds majority, upon the recommendation of the Board. (3)

(3) Secretariat
Group 77

2. [Other States may become members of the Organization by becoming parties to this Constitution after their membership has been approved by the Conference, by a two-thirds majority, upon the recommendation of the Board.] (4)

(4) Group B

[In recommending and approving a State for membership, the Board and the Conference shall determine that the State is able and willing to carry out the obligations of membership in the Organization, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations.]

(5) Group 77

3. States not wishing to assume the full obligations of membership or territories whose peoples have not yet attained a full measure of self-government may become Associate Members of the Organization on being approved by the Conference, by a two-thirds majority, upon the recommendation of the Board. Except as otherwise provided in this Constitution, the nature and extent of the rights and obligations of Associate Members shall be determined by the Conference. Unless otherwise indicated, the term "Member" in this Constitution shall not refer to Associate Members. (6)

(6) Secretariat

3. Non-member States and Organizations described in article 17 (b) of this Constitution may, in accordance with the rules of procedure, be admitted as observers to sessions of the Conference and the Board and their subsidiary bodies. 7 (7)

(7) Group B

Article 4

Suspension

A Member or Associate Member that has persistently violated this Constitution may be suspended from the exercise of the rights of membership by the Conference, by a two-thirds majority, upon the recommendation of the Board. (1)

(1) Secretariat

Group 77

Group D

Suspension and Expulsion

1. Any Member of this Organization which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the assessed contributions due from it for the preceding two fiscal years. The Conference may, nonetheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member. 7 (2)

(2) Group B */

*/ cf. Art. 7, para. 7 of Secretariat and Art. 7, para. 9 of Group 77

Members of the Organization which are suspended from the exercise of the rights and privileges of membership of the United Nations Organization shall be suspended from the rights and privileges of this Organization. (3)

(3) Group 77

2. Members of this Organization which have been suspended under Article 5 of the United Nations Charter from the exercise of the rights and privileges of the United Nations shall upon the request of the latter be suspended from the rights and privileges of this Organization. (4)

(4) Group B

Members of the Organization which are suspended from the exercise of the rights and privileges of membership of the United Nations Organization shall, upon the recommendation of the Board and by decision of the Conference, be suspended from the rights and privileges of this Organization. (5)

(5) Group D

3. Members of this Organization which have been expelled under Article 6 of the United Nations Charter from membership in the United Nations shall upon the request of the latter (7) be expelled from membership in this Organization. (6)

(6) Group B

Group 77 */

*/ (A/AC.180/CG/WP.8, para. 8)

(7) Group B

Article 5

Withdrawal

1. A Member may withdraw from the Organization by depositing an instrument of denunciation of this Constitution with the depositary. (1)

(1) Secretariat

Group B

Group 77 **/ }

Group D **/ }

**/ (A/AC.180/CG/WP.8, para. 10)

An Associate Member may withdraw by giving notice to that effect to the Director-General. (2)

(2) Secretariat

2. Withdrawal from the Organization shall not affect any existing obligations of a Member or Associate Member, including those under article 12 for the fiscal period in which that Member or Associate Member withdraws. (3)

Such notice shall take effect two years after the date of its reception by the Depositary. (4)

Such withdrawal shall take effect on the last day of the fiscal year following that during which such notice was given. (5)

Such withdrawal ^{**/} shall take effect on the last day of the fiscal period for which a budget has most recently been adopted. (6)

2. Withdrawal from the Organization shall not effect any existing obligation of a Member including those under article 12 article 13 (9) for the fiscal period (7) in which that Member or Associate Member withdraws (8) during which such withdrawal becomes effective. (9)

2. Any member which has given notice of withdrawal shall be liable for the payment of its financial contribution for the entirety of the fiscal year during which such withdrawal becomes effective. (10)

(3) Secretariat

(4) Group 77

(5) Group B

Group D

(6) Canada */

*/ (A/AC.180/CG/WP.5)

**/ (A/AC.180/CG/WP.8, para. 12)

(7) Secretariat

Group 77

(8) Secretariat

(9) Group 77 **/

**/ (A/AC.180/CG/WP.8, para. 12)

(10) Group B

Group D

Canada */

*/ (A/AC.180/CG/WP.5)

CHAPTER III

ORGANS

Article 6

1. The principal organs of the Organization shall be:

(a) The Conference;

(b) The Industrial Development Board (herein called the "Board"); and

(c) The Secretariat. (1)

(1) Secretariat

Group 77

Group B

Group D

A programme and Budget Committee, elected by the Board from its members, on the basis of the principle of equitable geographical distribution (3) shall consist of () members. (2)

(2) Group B

Group D

(3) Group D

2. Other (5) Subsidiary organs may be established by the Conference or the Board (6) as necessary (4) and with due regard to the financial implications thereof by the Conference and the Board. (7)

(4) Secretariat

Group 77

(5) Group B

Group D

(6) Group 77

(7) Group B

Group D

Article 7The Conference

1. The Conference shall consist of representatives of all Members. (1) Associate Members may participate in accordance with the provisions of this Constitution and the rules of procedure of the Conference. (2)

(1) Secretariat

Group 77

Group B

Group D

(2) Secretariat

[Observers may participate in accordance with the provisions of this Constitution and the rules of procedure of the Conference.] (3)

(3) Group B

2. The Conference shall meet in regular sessions every two years (4) unless it decides otherwise. (5) It shall also meet in such special sessions as may be convened by the Director-General at the request of the Board (6) or of a majority of the Members. (7)

(4) Secretariat

Group 77

Group B

Group D

(5) Secretariat

(6) Secretariat

Group 77

Group B

Group D

(7) Secretariat

Group 77

Group D

(8) Group B

[of at least one-third of the members of the Organization.] (8)

✓The Conference shall select the country or region in which the next regular session shall be held, the Board subsequently fixing the place. The Board will determine the place where a special session shall be held.✓ (9)

(9) Group 77

✓Regular sessions shall be held at the headquarters of the United Nations Industrial Development Organization unless the Conference has decided otherwise at the preceding session.✓ (10)

(10) Group D

✓The Board will determine the place where a special session shall be held.✓ (11)

(11) Group D

3. In addition to exercising other functions specified in this Constitution, the Conference shall:

(a) Determine the guiding principles and policies of the Organization; (12)

(12) Secretariat

✓(a) Determine the means of fulfilling the objective of the Organization and its policies;✓ (13)

Group 77

Group D

✓(a) Determine the general principles of the Organization✓ (14)

(13) Group B

(b) Consider reports of the Board ✓and of the Director-General✓ (16) and give directives to them in regard to matters upon which action may be deemed desirable; (15)

(14) Cuba
(Verbally)

(15) Secretariat

✓(b) BIS. Exercise control over the effective utilization of financial resources available to the Organization, consider and approve the work programme, budget and appropriations as in article 11.3, establish the scale of assessments and adopt the financial regulations and guidelines of the Organization;✓ (17)

Group 77

Group B

Group D

(16) Secretariat

Group B

(17) Group B

Text	Sources	Notes
<p>[(b) Determine methods of attaining the purposes and carrying out the functions of the Organization, exercise control over the effective utilization of financial resources available to the Organization, consider and approve the work programme, budget and appropriations, establish the scale of assessments and adopt the financial regulations of the Organization;] (18)</p> <p>(c) Propose to the Members [and Associate Members] (20) conventions or agreements with respect to matters within the competence of the Organization; (19)</p> <p>[(c) Have the authority to adopt conventions or agreements with respect to any matter within the competence of the Organization. A two-thirds vote of the Conference shall be required for the adoption of such conventions or agreements which shall come into force for each member when accepted in accordance with its constitutional process] (21) [approve agreements with the United Nations in accordance with Article 66 of the United Nations Charter.] (22)</p> <p>[(c) BIS. Approve the admissions of new members, elect the members of the Board and appoint the Director General and the Deputy Director General] (23)</p> <p>(d) Make recommendations to Members [and Associate Members] (25) and to international organizations with respect to matters within the competence of the Organization; (24)</p> <p>[including guidelines for the co-operation of the Organization with other organizations] (26)</p> <p>(e) Take any other appropriate action to further the objectives of the Organization. (27)</p> <p>[and carry out the functions of the Organization] (28)</p>	<p>(18) Group D</p> <p>(19) Secretariat</p> <p>Group 77</p> <p>Group D</p> <p>(20) Secretariat</p> <p>(21) Group B</p> <p>Canada */</p> <p>(22) Group B</p> <p>(23) Group B</p> <p>(24) Secretariat</p> <p>Group 77</p> <p>Group B</p> <p>Group D</p> <p>(25) Secretariat</p> <p>(26) Group B</p> <p>(27) Secretariat</p> <p>Group 77</p> <p>Group B</p> <p>Group D</p> <p>(28) Group D</p>	<p>*/ (A/AC.180/CG/WP.5)</p>

Text	Sources	Notes
4. The Conference may delegate to the Board such of its powers and functions as it may consider <u>be</u> (30) desirable, excepting those under (29)	(29) Secretariat	
subparagraph 3(a) and (b) above (31)	Group 77	
<u>Article 3, paragraph 2; Article 4; Article 7, paragraphs 3(a) and (b);</u>	Group B	
Article 8, paragraph 1; Article 12, paragraph 2; Article 13; Article 17;	Group D	
Article 21, paragraph 2(a). <u>7</u> (32)	(30) Group 77	
<u>subparagraphs 3(a), 3(b), 3(b) BIS, 3(c) and 3(c) BIS above.</u> 7 (33)	(31) Secretariat	
5. The Conference shall adopt its own rules of procedure, (34) which may include provisions for taking decisions without a meeting. (35) <u>of members.</u> 7 (36)	(32) Group 77	
6. Each Member shall have one vote in the Conference. Decisions shall be made by a simple majority unless otherwise specified in this Constitution or in the rules of procedure of the Conference, (37)	(33) Group B	
or as may be decided by a simple majority of the Conference, (38)	(34) Secretariat	
All majorities specified herein shall be calculated by reference to those Members <u>present and</u> (40) voting. (39)	Group 77	
	Group B	
	Group D	
	(35) Secretariat	
	Group B	
	(36) Group B	
	(37) Secretariat	
	Group 77	
	Group B	
	Group D	
	(38) Secretariat	
	Group 77	
	Group D	
	(39) Secretariat	
	Group B	
	(40) Group 77	
	Group D	

Text	Sources	Notes
7. A Member in arrears in the payment of its assessed contributions <u>[under Article 12]</u> (42) shall have no vote in the Conference if the amount of its arrears equals or exceeds the amount of such contributions due from it for the preceding two full fiscal years. The Conference may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member. (41)*	(41) Secretariat Group 77 Group D (42) Secretariat Group 77	 */ cf. Article 4, para. 1 of Group B

Article 8

Industrial Development Board

1. The Board shall consist of sixty (1) <u>[forty-five]</u> (2) members of the Organization elected by the Conference which shall give due regard to the equitable representation of geographical areas. (3)	(1) Secretariat Group 77 (2) Group B Group D (3) Secretariat Group 77 (4) Group D (5) Group B
<u>[in compliance with the principle of equitable distribution]</u> (4)	
<u>[which shall give due regard in the first instance to the contribution of members to the Organization and also to equitable geographical distribution]</u> (5)	

1. The Board shall consist of forty-five members elected by the Conference. In electing the members of the Board, the Conference shall give due regard in the first instance to the contribution of members of the Organization and also to equitable geographical representation and shall accordingly observe the following distribution of seats:

- (a) 18 from the States listed in Part A of the annex to this Constitution;
- (b) 15 from the States listed in Part B of the annex to this Constitution;
- (c) 7 from the States listed in Part C of the annex to this Constitution;
- (d) 5 from the States listed in Part D of the annex to this Constitution.7 (6)

(6) USA */ */ (A/AC.180/CG/WP.4)

2. Members of the Board shall hold office from the close of the session of the Conference at which they were elected until the close of the regular session of the Conference four years thereafter, except that the Members elected at the first session shall hold office from the time of such election and one half shall hold office only until the close of the second regular session. Members of the Board may be re-elected. (7)

(7) Secretariat
Group 77
Group B
Group D

3. The Board shall hold one regular session a year. (8)

(8) Secretariat

The Board shall meet at such times as it may determine (9)

Group D

The Board shall hold x sessions a year (10)

(9) Group 77

(10) Group B

The Board shall hold one regular session a year and shall meet at such times as it may determine. (11)

(11) Group D

Special sessions of the Board may be convened by the Director-General at the request of a majority of its members. (12)

(12) Secretariat

Text	Sources	Notes
<p>Additional sessions of the Board shall be convened by the Director-General at the request of at least one-third of its members (13)</p> <p>Sessions shall be held at the seat Headquarters (15) of the Organization, unless otherwise determined by the Board. (14)</p>	<p>(13) Group B</p> <p>(14) Secretariat</p> <p>Group 77</p> <p>Group B</p> <p>Group D</p> <p>(15) Group 77</p> <p>Group D</p>	
<p>4. In addition to exercising other functions specified in this Constitution or delegated to it by the Conference, the Board shall: (16)</p> <p>(a) Acting under the authority of the Conference, review the implementation of the approved programme of work and corresponding budgetary estimates; (17)</p> <p>(a) Review the implementation of the approved programme of work and corresponding budget; (18)</p> <p>(a) Acting under the authority of the Conference, review the implementation of the approved programme of work and of other decisions of the Conference, and supervise the work of the Organization; (19)</p> <p>(b) Report to the Conference at each regular session on the activities of the Board; (20)</p> <p>(b) Report to the Conference at each regular session on all activities of the Board and submit advice or proposals to the Conference on its own initiative; (21)</p> <p>(b) Supervise the operational activities of the Secretariat relating to the implementation of the programme of work and the delivery of technical assistance projects as well as the general structure and staffing of the Secretariat in accordance with the objectives and programme of work of the Organization; report periodically to the Conference on this matter; (22)</p>	<p>(16) Secretariat</p> <p>Group 77</p> <p>Group B</p> <p>Group D</p> <p>(17) Secretariat</p> <p>(18) Group 77</p> <p>Group D</p> <p>(19) Group B</p> <p>(20) Secretariat</p> <p>Group 77</p> <p>Group D</p> <p>(21) Group B</p> <p>(22) Group D</p>	

Text	Sources	Notes
(c) Request Members <u>and Associate Members</u> (24) to furnish information on their activities related to the work of the Organization; (23)	(23) Secretariat Group 77	
(d) In accordance with the decisions of the Conference and having regard to circumstances arising between sessions, authorize the Director General to take such measures as it deems necessary to meet unforeseen events with due regard to the functions and financial resources of the Organization; (25)	Group B Group D (24) Secretariat	
[(d) BIS. Make recommendations to the Conference on the appointment of the Director-General and the Deputy Director-General;] (26)	(25) Secretariat Group 77	
(e) If the office of Director-General becomes vacant between sessions of the Conference, appoint an Acting Director-General to serve until the next regular or special session of the Conference; (27)	Group B Group D	
(f) Prepare the provisional agenda for the Conference; (27)	(26) Group B	
(g) Undertake such other functions as are authorized by the Conference. (28)	(27) Secretariat Group 77	
[(g) Undertake such other functions as may be required to carry out the objectives of the Organization subject to the limitations stipulated in this Constitution.] (29)	Group B Group D (28) Secretariat (29) Group 77 Group D	
5. The Board shall adopt its own rules of procedure. (30)	(30) Secretariat Group 77	
<u>which may include provisions for taking decisions without a meeting of members.</u> (31)	Group D (31) Group B	

6. Each member of the Board shall have one vote. Decisions shall be made by a simple majority unless otherwise specified in this Constitution or in the rules of procedure of the Board (32), or as may be decided by a simple majority of the Board (33). Decisions on recommendations relating to the regular budget estimates, or otherwise constituting budgetary questions, shall be by a two-thirds majority (34). All majorities specified herein shall be calculated by reference to those members present and (35) voting (36) the membership of the Board. (37)

7. The Board shall invite any Member not represented on the Board and may invite any Associate Member (38) to participate without vote in its deliberations (39) on any matter of particular concern to that Member (40) or Associate Member. (41)

(32) Secretariat
Group 77
Group B
Group D
USA */ * / (A/AC.180/CG/WP.4)

(33) Secretariat
Group 77

(34) USA */

(35) Group 77
Group D

(36) Secretariat
Group 77
Group D

(37) Group B (verbally)
USA */

(38) Secretariat

(39) Secretariat
Group 77
Group B
Group D

(40) Group B

(41) Secretariat

Article 9The Secretariat

- | | |
|--|------------------|
| 1. The Secretariat shall comprise a Director-General (1) <u>[a Deputy Director-General]</u> (2) | (1) Secretariat |
| <u>[two Deputy Director-Generals]</u> (3) and such staff as the Organization may require. (4) | Group 77 |
| 2. The Director-General (1) <u>[and the Deputy Director-General]</u> (5) <u>[and his deputies]</u> (6) | Group B |
| shall be appointed by the Conference upon recommendation of the Board (1) for a period of | Group D |
| four (7) <u>[4]</u> (8) years | (2) Group B |
| | (3) Group D |
| and shall be eligible for reappointment. (9) | (4) Secretariat |
| <u>[He may be reappointed for a further term of four years, after which he shall not be</u> | Group 77 |
| <u>eligible for reappointment.]</u> (10) | Group B |
| <u>[and shall be eligible for [-] re-appointment.]</u> (11) | Group D |
| <u>[They may be reappointed for a further term of four years, after which they shall not be</u> | (5) Group B |
| <u>eligible for reappointment.]</u> (12) | (6) Group D |
| <u>[If one of the posts of Director General and Deputy Director General is occupied by a</u> | (7) Secretariat |
| <u>national of a developing country, the other post shall go to a national of a developed</u> | Group 77 |
| <u>country and vice versa]</u> (13) | Group D |
| He (the Director-General) shall be the chief administrative officer of the Organization. (14) | (8) Group B |
| | (9) Secretariat |
| | (10) Group 77 |
| | (11) Group B |
| | (12) Group D |
| | (13) Group B |
| | (14) Secretariat |
| | Group 77 |
| | Group B |
| | Group D |

Text	Sources	Notes
3. Subject to general or specific directives of the Conference or the Board, the Director-General shall have the over-all responsibility and authority to direct the work of the Organization. (15)	(15) Secretariat Group 77 Group B	
He shall be responsible for the appointment, organization, and functioning of the staff and shall be under the authority of and subject to the control of the Board. He shall perform his duties in accordance with regulations adopted by the Board. (16)	(16) Group 77	
He shall be responsible for the appointment, organization, and functioning of the staff and shall be under the authority of and subject to the control of the Board. He shall perform his duties in accordance with regulations adopted by the Board. (17)	(17) Group D	
4. The Director-General shall act in that capacity at all meetings of the Conference and of the Board and shall perform such other functions as are entrusted to him by these organs. He shall prepare an annual report on the activities of the Organization and shall submit to the Conference and the Board such other reports as may be required. (18)	(18) Secretariat Group 77 Group B Group D	
5. In the performance of their duties the Director-General, the Deputy Director-General, (19) and the staff shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action that might reflect on their position as international officials responsible only to the Organization. (20)	(19) Group B (20) Secretariat Group 77 Group B Group D	
Each Member and Associate Member (21) undertakes to respect the exclusively international character of the responsibilities of the Director-General, the Deputy Director-General, (22) and his deputies (23) and the staff and not to seek to influence them in the discharge of their responsibilities. (24)	(21) Secretariat (22) Group B (23) Group D (24) Secretariat Group 77 Group B Group D	

Text	Sources	Notes
6. The Staff shall be appointed by the Director-General under regulations established by the Conference. (25)	(25) Secretariat Group 77 Group B Group D	
[upon recommendation of the Board.] (26)		
The conditions of service of staff shall conform [as far as possible] (27) to those of the United Nations. (28)	(26) Group 77 Group D	
The paramount consideration in the employment of the staff and in determining the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible. (29)	(27) Secretariat Group B	
[Due regard shall be paid to the importance of recruiting staff based on wide and equitable geographical distribution.] (30)	(28) Secretariat Group 77 Group B Group D	
[The staff of the Secretariat of the Organization shall be recruited on the basis of the principle of equitable geographical distribution, with due regard to the competence of candidates] (31)	(29) Secretariat Group B (30) Group 77 (31) Group D	
<u>[Article 10]</u>		
<u>Seat</u>		
The seat of the Organization shall be determined by the Conference, taking into account <u>inter alia</u> the privileges and immunities accorded to the Organization and the Missions accredited thereto.] (1)	(1) Group 77 Group D	

CHAPTER IV

PROGRAMME OF WORK AND FINANCIAL MATTERS

Article 10Expenses of delegations

Each Member and Associate Member shall bear the expenses of its own delegations to the Conference, to the Board and to any other organs on which it may be represented. (1)

(1) Secretariat
Group 77
Group B
Group D

[Article 10 BISResources and expenditure

1. The expenditure of the Organization shall be classified under the following categories:

- (a) Expenses for administrative and research activities. These shall include expenses of staff other than staff engaged in the direct support of operational activities; costs of meetings, including technical meetings provided for in the programme of work of the Organization, research activities other than those which would constitute technical assistance to a member or a limited number of members of the Organization; and other general Headquarter's expenses.
- (b) Expenses for operational activities. These shall include all activities other than those provided for in sub-paragraph (a) above.

2. Expenses for administrative and research activities shall be borne by the regular budget of the Organization.

3. The regular budget shall be restricted to those expenditures specified in paragraph 1 (a) of this article.

4. Expenses for operational activities shall be met from the voluntary contributions under Article 13 and from other income.] (2)

(2) Group B

Article 11

Programme and budget

1. No later than two months before each regular session of the Conference, the Director-General shall transmit to the Board a draft programme of work and corresponding budgetary estimates for a period starting with the fiscal year following the session of the Conference and ending with the fiscal year during which the following regular session of the Conference is to take place, as well as proposed appropriations for the first fiscal year of that period.

cf. Group 77 Art. 11 para. 1,
Group B Art. 11 para. 1 and
USA Art. 11 para. 1

2. The Board shall examine this draft programme of work and corresponding budgetary estimates, and these proposed appropriations, and transmit them, with such recommendations as it considers appropriate, to the Conference.

cf. Group 77 Art. 11 para. 1,
Group B Art. 11 para. 2 and
USA Art. 11 para. 2

3. The Conference shall, after considering the draft programme of work and corresponding budgetary estimates and the proposed appropriations together with the recommendations of the Board thereon, approve the programme of work and corresponding budgetary estimates for the specified period, as well as the appropriations for the first fiscal year thereof. Such decisions shall be taken by a two-thirds majority, provided that the approval of the programme of work and the corresponding budgetary estimates shall also require the affirmative vote of Members that are to contribute, through contributions assessed or voluntarily pledged without restrictions, at least one half of the resources to be spent by the Organization during the period concerned.

cf. Group 77 Art. 11 para. 2,
Group B Art. 11 para. 3 and
USA Art. 11 para. 3

4. Before the beginning of any fiscal year for which the Conference has not approved appropriations, the Board shall approve, by a two-third majority, after considering proposals submitted to it by the Director-General, appropriations for that year, on the basis of the approved programme of work and corresponding budgetary estimates, making only such adjustments aspect of the approved estimates as are justified by:

cf. Group 77 Art. 11 para. 3

Text	Sources	Notes
<p>(a) Changes in price levels and currency fluctuations;</p> <p>(b) Developments subsequent to the session of the Conference at which the programme was approved that may affect the implementation of that programme, provided that any adjustments due to such developments may not exceed by more than 10 per cent the approved estimates.</p>		
<p>5. Budgetary estimates and appropriations shall relate to all expenditures to be financed from assessed and from unrestricted voluntary contributions as well as from other income. (1)</p>	(1) Secretariat	cf. Group 77 Art. 11 para. 4
* * *		
<p>1. The Board shall submit to the Conference the programme of work and corresponding budget for a period starting with the fiscal year following the session of the Conference and ending with the fiscal year during which the following regular session of the Conference is to take place. The Director-General shall initially prepare the budget estimates.</p>		cf. Secretariat Art. 11 paras. 1 and 2, Group B Art. 11 paras. 1 and 2 and USA Art. 11 paras. 1 and 2
<p>2. The Conference after considering the recommendations of the Board, shall approve by a two-thirds majority, with such changes as it deems necessary, the programme of work and corresponding budget.</p>		cf. Secretariat Art. 11 para. 3, Group B Art. 11 para. 3 and USA Art. 11 para. 3
<p>3. Before the beginning of the second fiscal year in a fiscal period, the Board shall with respect to that fiscal year consider and approve by a majority adjustments to the programme of work and corresponding budget which may be required as a result of:</p>		cf. Secretariat Art. 11 para. 4
<p>(a) Changes in price levels and currency fluctuations;</p> <p>(b) Developments subsequent to the session of the Conference at which the programme was approved that may affect the implementation of that programme.</p>		
<p>4. The budget shall relate to all expenditures to be financed from assessed and from unrestricted voluntary contributions as well as from other income. 7 (2)</p>	(2) Group 77	cf. Secretariat Art. 11 para. 5

Text	Sources	Notes
<p>1. The Director-General shall prepare and submit to the Board no later than five months before the next regular meeting of the Conference a draft programme of work and corresponding estimates for the regular budget for the two-year financial period starting with the fiscal year following the regular session of the Conference.</p>		<p>cf. Secretariat Art. 11 para. 1, Group 77 Art. 11 para. 1 and USA Art. 11 para. 1</p>
<p>2. No later than two months before each regular session of the Conference, the Board shall consider and submit to the Conference this draft programme of work and corresponding budgetary estimates, together with any recommendations the Board may deem advisable.</p>		<p>cf. Secretariat Art. 11 para. 2, Group 77 Art. 11 para. 1 and USA Art. 11 para. 2</p>
<p>3. The Conference shall, after considering this draft programme of work and corresponding budgetary estimates, together with the recommendations of the Board thereon, approve the programme of work and the regular budget and appropriations for the financial period. Such decisions shall be taken by a two-thirds majority, as well as the affirmative vote of Members that are to contribute to the regular budget of the organization at least one-half of the resources to be assessed on member states during the financial period.] (3)</p>	(3) Group B	<p>cf. Secretariat Art. 11 para. 3, Group 77 Art. 11 para. 2 and USA Art. 11 para. 3</p>
* * *		
<p>1. The Director-General shall prepare and submit to the Programme and Budget Committee of the Board no later than five months before the next regular meeting of the Conference a draft programme of work and corresponding estimates for the regular budget for the two-year financial period starting with the fiscal year following the regular session of the Conference.</p>		<p>cf. Secretariat Art. 11 para. 1, Group 77 Art. 11 para. 1 and Group B Art. 11 para. 1</p>
<p>2. No later than two months before each regular session of the Conference, the Board shall consider, upon the recommendation of the Programme and Budget Committee, the draft programme of work and corresponding budgetary estimates and submit its recommendations to the Conference.</p>		<p>cf. Secretariat Art. 11 para. 2, Group 77 Art. 11 para. 1 and Group B Art. 11 para. 2</p>

Text	Sources	Notes
<p>3. The Conference shall, after considering the draft programme of work and corresponding budgetary estimates recommended to it by the Board, approve the programme of work recommended by the Board or return it with recommendations as to its entirety or parts thereof to the Board for resubmission to the General Conference. Approval of the programme of work and budget by the Conference shall be by a two-thirds majority including the affirmative vote of members that are to contribute to the regular budget of the organization at least one-half of the resources to be assessed on member States during the financial period.⁷ (4)</p>	(4) USA */	<p>cf. Secretariat Art. 11 para. 3, Group 77 Art. 11 para. 2 and Group B Art. 11 para. 3</p> <p>*/ (A/AC.180/CG/WP.7)</p>

Article 12Assessed contributions

Expenditures, in so far as not covered by unrestricted voluntary contributions or other income, shall be borne by the Members [and the Associate Members] (2) as apportioned in accordance with respective scales of assessments adopted by the Conference by a two-thirds majority. (1)

(1) Secretariat
Group 77
(2) Secretariat

[1]. Regular budget expenditures shall be borne by the Members, as apportioned in accordance with respective scales of assessment adopted by the Conference by a two-thirds majority and the affirmative vote of Members that have contributed to the regular budget at least one-half of the resources during the preceding financial period.

2. The scale of assessments shall be based to the extent possible, on that currently employed by the United Nations for its immediately preceding fiscal period.] (3)

(3) Group B

Article 13Voluntary contributions

Subject to the financial regulations of the Organization and to any general guidelines the Board may formulate, the Director-General may accept gifts, bequests and subventions made to the Organization by Governments, public and private institutions, associations and private persons, provided that the conditions attached to such gifts, bequests or subventions are consistent with the objectives and policies of the Organization. The Director-General shall administer these voluntary contributions in accordance with the financial regulations. (1)

(1) Secretariat
Group 77

Article 13

Voluntary contributions and Industrial Development Fund

1. Subject to any principles and guidelines the Conference and the Board may formulate, and in accordance with financial regulations,
 - (a) the Director-General may accept in cash or kind gifts, bequests, and subventions made to the Organization by the governments, public and private institutions, associations and private persons, provided that the conditions attached to such gifts, bequests or subventions are consistent, with the objectives and policies of the Organization;
 - (b) there shall be established the Industrial Development Fund. The IDF shall be financed through voluntary contributions.
2. Voluntary contributions under (a) and (b) above may be made at the option of the donors either through pledges announced at Conference and Board sessions, or in accordance with the relevant provisions of the financial regulations, or by both of these methods.
3. Each year the Director-General shall submit to the Board for approval a plan of expenditure for programmes and projects (by country, region or sector) financed by voluntary contributions and the IDF. A comprehensive list of voluntary contributions pledged and received under the two paragraphs above shall be annexed to the plan.
4. The Director-General shall administer the voluntary contributions in accordance with the financial regulations, and report yearly on the programmes implementation and resources administration.] (2)

(2) Group B

Article 14Industrial Development Fund

In order to increase the resources of the Organization and to enhance its ability to meet promptly and flexibly the needs of developing countries, there shall be established an Industrial Development Fund which will be financed through [assessed and] (2) voluntary contributions. The Director-General shall administer this Fund in accordance with the financial regulations of the Organization. (1)

(1) Secretariat
Group 77
(2) Group 77

Article 15Loans

Subject to rules and limitations determined by the Conference, funds may be borrowed by the Organization, provided that such loans do not impose any liability on Members (1) [and Associate Members.] (2)

(1) Secretariat
Group 77
(2) Secretariat

CHAPTER V

CO-OPERATION AND CO-ORDINATION

Article 16Relations with the United Nations

The Organization shall be brought into relationship with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations. Any agreements concluded in accordance with Article 63 of the Charter shall require the approval of the Conference, by a two-thirds majority, upon the recommendation of the Board. (1)

(1) Secretariat
Group 77
Group B

Article 17Relations with other organizations

1. The Director-General [may], (2) with the approval of the Board and subject to guidelines established by the Conference:

(2) Secretariat
Group 77

(a) [shall] (3) enter into agreements establishing appropriate relationships with other organizations of the United Nations system and with other inter-governmental and governmental organizations;

(3) Group B

(b) [may] (4) establish appropriate relations with non-governmental and other organizations the work of which is related to that of the Organization.

(4) Group B

2. Subject to such agreements and relations, the Director-General may establish working arrangements with such organizations. (5)

(5) Secretariat
Group 77
Group B

Text	Sources	Notes
CHAPTER VI		
LEGAL MATTERS		
<u>Article 18</u>		
<u>Privileges and Immunities</u>		
1. The Organization shall enjoy in the territory of each of its Members (1) and Associate Members (2) <u>[in conformity with the laws of that Member,]</u> (3) such legal capacity (1) <u>[and such privileges and immunities]</u> (4) as are necessary (1) <u>[as may be necessary]</u> (3) for the exercise of its functions and for the fulfilment of its purposes (4) <u>[for the fulfilment of the Organization's objectives and for the exercise of its functions.]</u> (3)	(1) Secretariat Group 77 Group B (2) Secretariat (3) Group B (4) Secretariat Group 77 (5) Secretariat Group 77 (6) Secretariat	
2. Representatives of Members <u>[and Associate Members,]</u> (6) the Director-General and the staff of the Organization shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization. (5)	(7) Group B	
<u>[2.]</u> The Organization shall conclude a headquarters agreement with the government of the state in which its headquarters will be located. <u>]</u> (7)	(8) Group 77 (9) Secretariat (10) Secretariat Group 77	
3. <u>[In the case of States which have acceded to the Convention on the Privileges and Immunities of the Specialized Agencies]</u> (8) The legal capacity, privileges and immunities referred to in this Article shall be as defined in the Convention, <u>[on the privileges and immunities of the Specialized Agencies,]</u> (9) subject to any modifications set forth in an annex thereto approved by the Board, and in other agreements entered into by the Organization. (10)		

3. The Organization may conclude bilateral or multilateral agreements with other Members with a view to the enjoyment by the Organization, its officials and the representatives of all Members, of such privileges and immunities as may be necessary for the fulfilment of its objectives and for the exercise of its functions.

4. The Director-General shall conclude and sign on behalf of the Organization the agreements referred to in paragraphs 2 and 3 after their approval by the Board.7 (11)

(11) Group B

Article 19

Settlement of disputes

1. Any question or dispute among Members concerning the interpretation or application of this Constitution that is not settled by negotiation shall be referred with the consent of the parties concerned7 (2) to the International Court of Justice, in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement. (1)

(1) Secretariat

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Group B

(2) Group 77

2. The Conference and the Board are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Organization's activities. (3)

(3) Secretariat

Group 77

Group B

3. If a difference arises between the Organization on the one hand, and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded with the United Nations. The opinion given by the Court shall be accepted as decisive by the parties.7 (4)

(4) Group B

Article 21Amendments

1. Any Member may propose amendments to this Constitution. Texts of proposed amendments shall be communicated by the Director-General to all Members and Associate Members (1) at least ninety days (2) two months (3) in advance of their consideration by the Conference. (4)

(1) Secretariat

(2) Secretariat
Group 77

(3) Group B

(4) Secretariat
Group 77
Group B

2. Amendments shall come into force for all Members and Associate Members (5) when:

(5) Secretariat

(a) Approved by the Conference by a two-thirds majority present and voting, after consideration of observations thereon submitted by the Board;

(b) Certified copies of the approved amendments having been distributed to the Members by the depositary of this Constitution, two-thirds of all Members shall have deposited instruments of acceptance of the amendments with the depositary. (6)

(6) Secretariat
Group 77

2. Amendments to this Constitution shall require the approval by the Conference, taking into account any observations of the Board, by a two-thirds majority of all the Members of the Conference and, in case of amendment of provisions concerning voting procedures these shall in addition require the same majorities or qualified majorities as contained therein, and shall take effect on acceptance by two-thirds of the Members for each Member accepting the amendment and subsequently for each remaining Member on acceptance of it. (7)

(7) Group B

Text	Sources	Notes
CHAPTER VII		
FINAL CLAUSES		
<u>Article 21</u>		
<u>Signature, ratification and acceptance</u>		
1. This Constitution shall be opened as of _____ for signature by all States specified in paragraph 1 of Article 3, and shall remain open <u>[at the Headquarters of the United Nations]</u> (2) for signature by such States until the day of its entry into force. (1)	(1) Secretariat Group 77 Group B (2) Group B	
2. States that have signed this Constitution <u>[may deposit instruments of ratification]</u> (3) <u>[shall become parties to this Constitution by deposit of an instrument of ratification]</u> . (4)	(3) Secretariat Group B (4) Group 77	
3. States specified in paragraph 1 of Article 3 that have not signed this Constitution, as well as States approved for membership pursuant to paragraph 2 of that Article, may deposit instruments of acceptance. (5)	(5) Secretariat Group 77 Group B	
<u>Article 22</u>		
<u>Entry into force</u>		
1. This Constitution shall enter into force when eighty States have deposited instruments of ratification or acceptance (1) <u>[and, having met, have notified the depositary that they have agreed to share among themselves the totality of the expenditures of the Organization in accordance with a scale of assessments to apply during the first _____ fiscal year(s) of the Organization. The depositary shall convene a meeting of all States that have deposited instruments of ratification or acceptance, within three months of the receipt of the eightieth such instrument.]</u> (2)	(1) Secretariat Group 77 (2) Secretariat	

1. Within three months following the deposit of the (eightieth) instrument of ratification or acceptance the depositary shall convene a meeting of the States that have deposited such an instrument or signed this Constitution with a view of reaching agreement of sharing among them the totality of expenditures of the Organization and on a scale of assessment to apply during the first ____ fiscal year(s) of the Organization without prejudice to Article 12 of this Constitution.

2. Upon reaching agreement as referred to in paragraph 1, the States participating in the meeting shall determine the date on which this Constitution shall come into force.] (3)

2. For States that deposit instruments of ratification or acceptance subsequent to the entry into force of this Constitution, it shall enter into force on the date of such deposit. (4)

(3) Group B

(4) Secretariat

Group 77

Group B

Article 23

Transitional arrangements

The States that become parties to this Constitution at the time of its entry into force pursuant to paragraph 1 of Article 22 shall establish a Preparatory Commission, which shall act in accordance with Annex I of this Constitution until the first session of the Conference is convened. (1)

For this purpose the depositary shall convene a meeting of all such States within three months of the receipt of the eightieth instrument of ratification or acceptance. (2)

(1) Secretariat

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Group B

(2) Group 77

Article 24Reservations

No reservations may be made in respect of this Constitution. (3)

(3) Secretariat

Group 77

Group B

Article 25Depositary

1. The Secretary-General of the United Nations shall be the depositary of this Constitution. (1)

(1) Secretariat

Group 77

2. In addition to notifying the States concerned, the depositary shall notify the Director-General of all matters affecting this Constitution. (1)

Group B

Article 26Authentic texts

This Constitution shall be authentic in Arabic, Chinese, English, French, Russian and Spanish. (1)

(1) Secretariat

Group 77

Text	Sources	Notes
ANNEX I (1)	(1) Secretariat	
<u>Preparatory Commission</u>	Group 77	
<p>The Preparatory Commission established under Article 23 of this Constitution shall, as appropriate:</p>		
<p>1. Prepare for submission to the Conference proposals concerning the following instruments:</p>		
(a) Rules of procedure of the Conference;		
<div> <div> </div> (b) Staff regulations; </div>	(2) Secretariat only	
(c) Financial regulations, including provision regarding the acceptance of voluntary contributions and the borrowing of funds;		
(d) Guidelines for agreements between the Organization and other organizations of the United Nations system and other intergovernmental and governmental organizations;		
(e) Guidelines for relations with non-governmental and other organizations;		
(f) The rights and obligations of Associate Members;		
(g) On the basis of proposals submitted by the Executive Director of the United Nations Industrial Development Organization established by resolution 2152 (XXI) of the United Nations General Assembly, the draft programme of work and corresponding budgetary estimates for the initial fiscal period of the Organization, as well as proposed appropriations for the fiscal year in which the first session of the Conference is to be convened and for the first fiscal year thereafter.		
<p>2. Prepare for submission to the Board proposals concerning the following instruments:</p>		
(a) Rules of procedure of the Board;		
<div> <div> </div> (b) Staff regulations; </div>		
(c) Establishment of a Joint Technical Advisory Group for UNIDO;	(3) Group 77 only	

- (b) An appropriate annex to the Convention on the Privileges and Immunities of the Specialized Agencies, in accordance with Article X of the Convention and paragraph 3 of Article 18 of this Constitution.

3. Take provisional action, until the organs competent in accordance with this Constitution have acted thereon, in respect of:

- (a) A relationship agreement with the United Nations, in accordance with Article 16, as well as any subsidiary agreements or arrangements in respect of the staff of the Organization;
- (b) Relationship agreements with specialized agencies and other intergovernmental organizations, in accordance with Article 17.

4. Convene the first session of the Conference no later than nine months after the entry into force of this Constitution.