

FRAMEWORK ARRANGEMENT

BETWEEN

THE GOVERNMENT OF BELGIUM

AND

**THE INTERNATIONAL LABOUR ORGANIZATION
(ILO)**

Introduction

The Government of Belgium (hereinafter referred to as “the Government”), represented by the Minister of Development Cooperation, and the International Labour Organization (hereinafter referred to as ILO), represented by the Director-General of the International Labour Office,

Each one hereinafter referred to as “Participant” and together “the Participants”,

Recalling the *ILO Constitution of 1919* as amended and the *Declaration of Philadelphia* concerning the aims and purposes of the International Labour Organization adopted by the Conference in 1944,

Recalling the “*Declaration on the Fundamental Principles and Rights at Work*” adopted by the International Labour Conference of 1998 which commits all Member States to respect and promote following four principles and rights: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation,

Recalling the “*Declaration on Social Justice for a Fair Globalization*” adopted by the International Labour Conference in 2008, which expresses the universality of the Decent Work Agenda: all Members of the Organization must pursue policies based on the strategic objectives – employment, social protection, social dialogue, and rights at work. At the same time, it recognizes that these objectives are “inseparable, interrelated and mutually supportive”, ensuring the role of international labour standards as a useful means of achieving all of them,

Taking into account the commitment of ILO to the 2030 Agenda for Sustainable Development and its leading role in the implementation of sustainable development goal 8 concerning sustainable and inclusive economic growth, employment and decent work for all and in the realization of the social protection targets of the Agenda,

Taking into account the ILO’s strategic framework, programme and budget,

Considering the ILO has introduced Results-Based Management in its Strategic Framework, Programme and Budget including in its special programmes and projects,

Considering the ILO’s commitment to take steps towards ensuring a UN System which is “Fit for Purpose” as identified by the United Nations System Chief Executives Board for Coordination (CEB),

Considering the ILO’s contribution to the realization of the UN “Delivery as One”,

Considering the role of the Belgium as an ILO Member State to collaborate with the Organization to achieve its goals,

Considering that the Government is committed to the implementation of the 2030 Agenda and will focus on two main policy areas: sustainable, inclusive economic growth and the rights-based approach to development, and is committed to spend at least 50% of its Official Development Assistance (ODA) to the least developed countries,

Considering that the cooperation with the ILO is related to the consistency of ILO's policy and activities concerning decent work and social protection with the development cooperation policy of the Government,

Now, therefore, have decided to enter into a Framework Arrangement to strengthen their relationship and provide a coherent, predictable and structured framework for collaboration between the Government and the ILO.

The scope of this Framework Arrangement does not include additional support of other Belgian federal line ministries such as the Belgian Federal Public Service Employment, Labour and Social Dialogue, or Federated Entities such as the Flemish Government or the Government of the French-Speaking Community of Belgium.

The Government and the ILO agree as follows:

Paragraph 1: Objectives

As the right to decent work and social protection are priorities of the Belgian Development Cooperation, the objectives of the Framework Arrangement are to facilitate enhanced collaboration at all levels and to support the ILO in the realization of its objectives through provision of voluntary contributions, additional to the contribution made by the Government to ILO's Budget through assessed contributions as an ILO Member State.

Paragraph 2: Scope

1. Policy issues of mutual interest include:

- The implementation of the 2030 Agenda especially through inclusive growth, decent work and social protection for all,
- The monitoring and reviewing of SDG progress,
- The governance of the ILO,
- The need for ILO to be "fit for purpose",
- Gender equality and non-discrimination,
- Aid effectiveness especially in the least developed countries and in fragile states,
- Partnership development,
- Policy coherence,
- Capacity building, for example on data collection and digitalization,
- Exchange of experiences and lessons learnt from field activities.

2. The Belgian contribution

- a. The amount of the Belgian contribution will include the assessed contribution and the voluntary contribution.
- b. The Government intends to take into account the variations in the amount/level/volume of the assessed contributions to determine the voluntary contribution.

3. Letter of Intent

- a. From 2017 onwards, the Government intends to engage financially with the ILO for periods of four (4) years.
- b. A letter of intent from the Government will in such a case signal the parliamentary approval of the contribution to ILO for the four-year period.

4. Payment request

- a. The voluntary core contribution will be paid in yearly instalments.
- b. The voluntary contribution will be paid upon receipt of a yearly payment request, which should refer to the letter of intent, include the amount of the contribution in EUROS, the full ILO's bank account details and the payment reference to be used in the bank instruction.

5. Other contributions

The Government could also consider financing junior professional officers and provide, as appropriate, supplementary resources to the ILO for the implementation of specific programmes or projects. This will however be subject to separate negotiations and arrangements.

Paragraph 3: Support ILO's activities through voluntary core contributions to the Regular Budget Supplementary Account (RBSA)

1. The voluntary core contribution of the Government to the Regular Budget Supplementary Account will support the implementation of ILO's Strategic Programme and Budget as approved by the International Labour Conference.
2. However, the Belgian contribution to the RBSA can only be used in support of ODA-eligible countries according to OECD standards.
3. The grant shall cover programme expenditures and support costs. Support costs shall not be more than seven (7) per cent of the programme expenditures.

Paragraph 4: Governance

The ILO is committed to:

1. Good governance

- a. The ILO will administer the grant in accordance with its regulations, rules, directives and procedures. The grant shall be subject exclusively to the internal and external auditing procedures provided for in the ILO's regulations, rules, directives and procedures.

- b. The Government acknowledges that the ILO cannot pre-finance activities. The ILO shall not assume any liability in excess of the amount that it has actually received from the Government grantor.
- c. Neither the deposit of funds under this Framework Arrangement nor the existence of temporary debit balances under the RBSA or its sub-accounts shall create any entitlement to the payment of interest thereon.
- d. While RBSA funds are normally spent in the biennium in which they are allocated, any unspent portion of the Grant will remain in the RBSA until fully used in accordance with this Arrangement and applicable ILO regulations, rules, directives and procedures. Should the RBSA be closed, any funds remaining after all commitments and liabilities have been satisfied shall be disposed of by the ILO following consultation with the Governing Body of the International Labour Office.
- e. Procurement shall be undertaken by the ILO in accordance with its regulations, rules, directives and procedures.
- f. The personnel assigned by the ILO to activities and under contract with it shall be recruited and employed on the basis of the Organization's regulations, rules, directives, and policies including the ILO Anti-fraud policy and shall work under the supervision of the Office.
- g. Limitation of liability: the Government cannot be held liable for any action taken by the ILO for activities funded through this arrangement.

2. Anti-fraud policy

No offer, gift, payment, consideration or benefit of any kind, the provision of which would constitute an illegal, corrupt or fraudulent practice shall be made, promised, sought or accepted (either directly or indirectly) as an inducement or reward in relation to activities funded under this Framework Arrangement. Each Participant is expected to notify the other Participant of any such practices. Any personnel, subcontractors or collaborators engaged in the implementation of ILO-activities are expected to observe the highest standards of ethical conduct in the execution of their obligations.

3. Transparency and reporting

- a. Reporting on the results of performance supported by RBSA funds will be included under the Programme and Budget outcomes as part of the biannual "Programme Implementation Report", which is submitted to the ILO Governing Body and the International Labour Conference. No separate reporting will be provided to the Government.
- b. The ILO will organize donor meetings and field visits in consultation with the RBSA group of donors, it being understood that the participants will support their own expenses unless otherwise agreed. The ILO will involve the Government in donor meetings, field visits, mid-term-reviews and evaluations of RBSA-activities.

Paragraph 5: Financial reports - Audit

1. The ILO will provide on an annual basis a consolidated financial report to its Governing Body on the receipt and use of grants received under the RBSA as part of a General Fund Segment comprising other sources of funding. This statement will consist of an extract from the ILO's accounts, as submitted for audit to the external auditor whose certificate will appear in the ILO's financial statement. No RBSA-specific reporting will appear in the financial statements.
2. The ILO will also send a copy of the ILO's financial statement to the Government.

Paragraph 6: Follow up and bilateral consultations

1. As every Member State, the Government will participate in the International Labour Conference held annually in Geneva in June. On this occasion the policies on decent work are discussed and every two years, the next biennium's program and budget. During the Conference, general information is provided about the level of funding of the program and the use of the assessed and the voluntary core contributions.
2. In accordance with the results of the elections of the Governing Body members, the Government will also participate in the Governing Body.
3. The Government and the ILO will hold biennial consultations on a date mutually agreed by both Participants to exchange views on the policy issues mentioned in paragraph 2.1 and on the allocation of RBSA funds, the results achieved and on the added value of the RBSA. As far as possible, these consultations will be held alternately at the headquarters of the organization and in Brussels.
4. In order to facilitate coherence, collaboration and exchange of information on activities related to decent work at country level, the Government and the ILO will indicate focal points in the partner countries of the Belgian Development Cooperation¹.

Paragraph 7: General Provisions

1. This Framework Arrangement will enter into force upon signature by both Participants.
2. This Framework Arrangement will remain in force unless terminated by mutual agreement or by one Participant terminating the Framework Arrangement by giving three months written notice to the other Participant. In the case of termination by the Government, the ILO will not be obliged to repay any RBSA funds irrevocably committed in good faith by it to third parties before the date of notice of such termination.

¹ The current partner countries and territories of the Belgian Development Cooperation (Benin, Burkina Faso, Burundi, the Democratic Republic of Congo, Guinea, Mali, Mozambique, Niger, Morocco, the Occupied Palestinian Territory, Rwanda, Senegal, Tanzania, Uganda) include 12 Least Developed Countries.

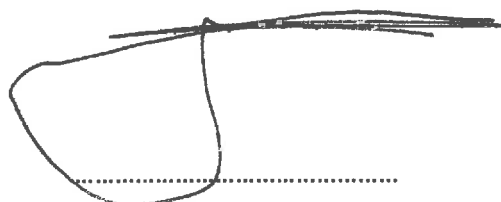
3. The Participants may mutually agree to amend this Framework Arrangement through an exchange of letters. The Participants will use their best efforts to settle amicably all disputes, controversies or claims arising out of or in connection with this Framework Arrangement or the interpretation thereof.
4. Nothing in this Framework Arrangement or relating thereto will be construed as constituting a waiver of the privileges and immunities enjoyed by the ILO.
5. The original of this Framework Arrangement has been written and signed in English. If this Arrangement is translated into a language other than English, the English version will govern and prevail.
6. This Framework Arrangement does not constitute a Treaty.

Paragraph 8: Representation and communication

1. For the implementation of the Framework Arrangement, the Government will be represented by the Minister of Development Cooperation or his designate, while the ILO will be represented by the Director-General of the International Labour Office or his authorised representative.
2. All communication on this Framework Arrangement will be done between the above-mentioned persons and/or their representatives.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed the Framework Arrangement in two originals in the English language.

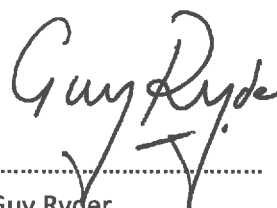
For the Government of Belgium:



Mr. Alexander De Croo
Minister of Development Cooperation

New York, 20 September 2016

For the International Labour Organization:



Mr. Guy Ryder
Director- General
International Labour Office

New York, 20 September 2016