

MEMORANDUM OF UNDERSTANDING

Between
THE GOVERNMENT OF THE ITALIAN REPUBLIC
And
THE GOVERNMENT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF
KOREA

The Government of the Italian Republic and the Government of the Democratic People's Republic of Korea,

Taking into consideration:

- The recent establishment of diplomatic relationships between the Government of the Italian Republic and the Government of the Democratic People's Republic of Korea and the wish to strengthen friendship relations;
- That the Government of the Italian Republic actively responded to the international appeal for assistance issued by the Government of the Democratic People's Republic of Korea in November 1996, after severe consecutive natural disasters, and that, since that year, several food aid programmes have been implemented;
- That the Government of the Italian Republic wishes to pursue new engagements in development programmes, particularly related to rural development, health and training, through the work of Italian NGOs, public and private Institutions, and international Agencies and Organisations;

HAVE AGREED AS FOLLOWS:

Article I

The Government of the Italian Republic will open in Pyongyang a Development Co-operation Office of the Italian Ministry of Foreign Affairs, General Directorate for Development Co-operation, under the authority of the Italian Embassy in Beijing, for the purpose of further promoting the development and humanitarian aid and it will send its Resident Co-ordinator to the Democratic People's Republic of Korea.

The Resident Co-ordinator of the Development Co-operation Office will monitor the implementation and the results of humanitarian and development aid provided by the Government of Italy to the Democratic People's Republic of Korea.

Article II

The Government of the Democratic People's Republic of Korea will guarantee the safety of the Resident Co-ordinator and ensure the Resident Co-ordinator, who will possess a diplomatic passport, his proper privileges and immunities according to rights according to the Vienna Convention on Diplomatic Relations issued on the 18th April 1961.

Article III

The Government of the Democratic People's Republic of Korea will arrange permission for a 12-month stay and multiple entry visa for the Resident Co-ordinator and assist with issuing visas for the Italian Ministry of Foreign Affairs missions to the Democratic People's Republic of Korea.

Article IV

For the identification of needs, assessment of proposals, monitoring of development programmes, evaluation of results, the Government of the Democratic People's Republic of Korea will allow the Resident Co-ordinator to visit the project locations, to gather information and to speak to the various authorities and institutions, as well as to the final beneficiaries, and provide relevant statistical information to the Resident Co-ordinator.

Regarding the emergency and humanitarian assistance programmes, the Government of the Democratic People's Republic of Korea will exert all its efforts to distribute donated goods from the Government of the Italian Republic to the proper areas, and hand over the necessary distribution lists to the Development Co-operation Office, before the distribution of the goods.

The Government of the Democratic People's Republic of Korea will allow the Resident Co-ordinator to visit the locations and institutions where the assistance is being provided, before, during and after the project completion (for ex post evaluation).

Monitoring will include visits to ports where aid is being unloaded, warehouses where material donations are stored, agricultural, health and any other relevant institutions, distribution points and beneficiary households.

These visits will take place according to a schedule provided the previous week, by the Italian side, to the Flood Damage Rehabilitation Committee (FDRC) of the Democratic People's Republic of Korea. They will be authorised without delay and, in any case, not later than the week following the date the schedule was submitted.

Article V

The Government of the Democratic People's Republic of Korea will guarantee the exemption from all taxes for the office equipment and goods brought into the Democratic People's Republic of Korea or brought out of the country, provided that such equipment and goods are used solely for the official purpose of the Development Co-operation Office.

All the materials, office supplies, vehicles of the Development Co-operation Office will remain property of the Government of the Italian Republic.

Article VI

The Resident Co-ordinator will respect the laws and regulations, culture and customs of the Democratic People's Republic of Korea.

The Resident Co-ordinator will discuss and implement all technical matters concerning the implementation of humanitarian and development aid with the Flood Damage Rehabilitation Committee of the Democratic People's Republic of Korea.

The Resident Co-ordinator will provide the Ministry of Foreign Affairs of the Democratic People's Republic of Korea with regular updates on the performance of the projects and will co-operate closely with it.

Article VII

The Government of the Democratic People's Republic of Korea will provide Korean staff for the Development Co-operation Office

(secretary/interpreter, driver, cleaner) with the consent of the Resident Co-ordinator.

The Development Co-operation Office will pay the salary of 250 US\$/month for the secretary/interpreter, 210 US\$/month for the driver, 165 US\$/month for the cleaner. In addition to the salary, it will pay a lunch allowance (5 Won/working day) and trip allowance (30 Won for each staff, in case of board and lodgings in the field).

Article VIII

The Government of the Democratic People's Republic of Korea will assist the Resident Co-ordinator in finding suitable accommodation, supplied with all the necessary facilities and services (including heating, telephone connection, etc.). The cost will be consistent with the price paid by other international staff.

Article IX

The Government of the Democratic People's Republic of Korea will provide access to petrol and diesel fuel to the Development Co-operation Office at the same prices paid by the international Agencies / Organisations working in the Democratic People's Republic of Korea.

Article X

With regard to the Italian funded NGO programmes, and acknowledging that this Memorandum does not substitute but complements the Agreement on each specific project which will be signed between the Government of the Italian Republic and the Government of the Democratic People's Republic of Korea (when the Italian financing covers the entire cost of the project) or by the NGO and the FDRC of the Democratic People's Republic of Korea (when the Italian Government's contribution covers up to 70 % of the total cost of the project), the two Parties have agreed as follows:

- The Government of the Democratic People's Republic of Korea will allow NGO staff members to sojourn and work in the Democratic People's Republic of Korea in compliance with the co-operation programmes agreed upon by the Government of the Democratic People's Republic of Korea.

The Democratic People's Republic of Korea competent authorities will arrange for visas, visa extensions, and stay permits for the NGO staff and their family members, for the duration of the implementation of the approved programmes.

- The NGO programmes will be implemented in close co-operation with the FDRC of the Democratic People's Republic of Korea, the central, provincial and county authorities, as well as the relevant technical counterparts as required by the project.
- The Government of the Democratic People's Republic of Korea will assure that the NGO staff is granted the necessary local conditions to implement the programmes.
- For the identification of needs, the formulation, the monitoring and the evaluation of both emergency and development programmes, the Government of the Democratic People's Republic of Korea will allow the NGO staff to visit the project locations, to gather information and to speak to the various authorities and institutions, as well as to the final beneficiaries. The Government of the Democratic People's Republic of Korea will grant the necessary permission for such visits to take place.
- Regarding the emergency and humanitarian assistance programmes, the competent authority and the NGO will jointly prepare a distribution list, indicating the final beneficiaries for food, agricultural, medical and other material donations. The NGO should also receive written confirmation of the proper arrival of the purchased or donated materials. Distribution of relief items will be carried out only in areas where access and monitoring by NGO staff is permitted. Monitoring will also include visits to ports where aid is being unloaded, warehouses where material donations are stored, institutions, distribution points and beneficiary households.
- The Government of the Democratic People's Republic of Korea will guarantee to the Italian staff involved in the projects and their family members, a treatment no less favourable than that offered to any expert from Third Countries or sent by International Organisations.
- The Government of the Democratic People's Republic of Korea will exempt from taxes and customs duties the goods and equipment brought into or locally purchased for the NGO project implementation. It will also facilitate custom clearance and registration of the imported vehicles, which will be free of imports and custom duties.

- Any extension or modification of the ongoing programmes has to be agreed upon by the NGO and the FDRC of the Democratic People's Republic of Korea, and approved by the Italian Ministry of Foreign Affairs, Directorate General for Development Co-operation.

Article XI

Both parties undertake to settle any possible divergence of opinions on the implementation of the present Memorandum through good will and by diplomatic means.

Article XII

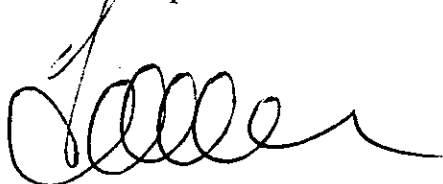
This Memorandum of Understanding shall enter into operation at the receiving date of the last notification by which the two contracting Parties shall officially communicate to each other that their respective internal procedures have been completed, and it shall remain in force for an indefinite period unless denounced by one of the Parties with at least 60 days written notice.

The present Memorandum may be amended in writing by mutual consent at any time through an Exchange of Letters.

In witness whereof the undersigned Representatives, duly authorised by the respective Governments, have signed the present Memorandum.

Done in Rome on September **28**. (Juche 89).2000, in two copies of one authentic original in English language.

For the Government of the
Italian Republic



For the Government of the
Democratic People's Republic of
Korea

