



MEMORANDUM

To: All UN-Habitat Personnel

Date: 20 September 2023

From: Erfan Ali
Chief of Staff.
Office of the Executive Director (OED)

A blue ink handwritten signature of Erfan Ali, consisting of a large, stylized 'E' followed by a horizontal line.

Subject: **Guidance on the Review and Clearance Process of UN-Habitat Agreements and/or Legal Instruments**

1. The purpose of this memorandum is to provide guidance to all UN-Habitat personnel on the review and clearance process of UN-Habitat Agreements and/or Legal Instruments.

1. Standard Templates for Conclusion of Legal Agreements

2. All UN-Habitat personnel are strongly advised to familiarize themselves with the **UN-Habitat's Guidelines and Standard Operating Procedures, (SOPs)**, for the conclusion of all Agreements and Legal Instruments with external partners including Member States, international organisations, non-governmental organisations and other private actors, (see: [Legal | Habnet \(unhabitat.org\)](https://www.unhabitat.org/legal-habnet)).

3. UN-Habitat's Guidelines and SOPs provide detailed guidance on the use of the different types of UN-Habitat Agreements/Legal Instruments as well as the processes and procedures to facilitate clearance.

4. The standard UN-Habitat Agreement/Legal Instrument templates and Request forms, to facilitate clearance, are available on UN-Habitat's Habnet: (see: [Legal | Habnet \(unhabitat.org\)](https://www.unhabitat.org/legal-habnet)); of which, should be used when negotiating and/or concluding UN-Habitat arrangements. Where the standard UN-Habitat template relating to the Agreement/Legal Instrument is used, there will be no requirement for legal review by the Legal Unit.

5. The Legal Unit will be required to review Agreements/Legal Instruments where: (a) the standard UN-Habitat Agreement/Legal Instrument templates are not used; (b) deviation/modification from the standard UN-Habitat Agreement/Legal Instrument templates is requested; (c) deviation from established rules, policies and procedures; (d) the case of a new partner requiring a new due-diligence assessment to be undertaken or (e) where there is need to clarify legal issues that may arise while negotiating and/or concluding an Agreement/Legal Instrument.



6. When negotiating projects, Agreements/Legal instruments, special care must be taken to ensure that the standard UN-Habitat Agreement/Legal Instrument templates used are the **up-to-date version** of the appropriate Agreement/Legal Instrument template and that the United Nations as well as the UN-Habitat's principles, policies and procedures pertaining to partnerships, contracts, procurements, and audits are upheld.

II. Accountability

7. Programme Management Officers, (PMOs), and respective managers must review all standard UN-Habitat Agreements/Legal instruments templates and their related documents, in order to decide on the need for legal review, in case of legal deviation/modification of the standard UN-Habitat Agreement/Legal Instrument templates, prior to submitting the said documents for review by the Legal unit, as per this memorandum.

8. Where standard contribution agreement templates emanate from donors such as the World Bank, (WB), consultation with the Legal Unit is advised.

9. Contribution agreements with the European Commission must comply with the Financial and Administrative Framework, ("FAFA"), between the EC and the United Nations including other instruments that may be specifically agreed between the United Nations, UN-Habitat, and the EC. In case of deviation from the agreed template the review by the legal unit is required.

10. PMOs and respective managers must promptly submit **quarterly reports** to the Legal Unit with the following:

- (a) A list of **all signed Agreements**, (with brief description and information on the Agreement/Legal Instrument, including the Agreement reference number, if any, commencement and end dates, duration of the activities and their implementation, the name of the partner, and total amount, if any;
- (b) For Agreements of Cooperation (AoCs), copies of the completed/signed Request Forms, the Supplementary Data Forms, (which includes a brief description of each AoC, an analysis of a minimum of three proposals from implementing partners, a justification for the AoC, a justification on how the implementing partner's proposals were sourced and selected), Check Lists, IPCAT Forms, as well as any supporting documentation from the implementing partner; and
- (c) Copies of all other signed Agreements/Legal Instruments together with their Request Forms or Routing Slips and relevant supporting documentation.

11. The Legal Unit maintains a corporate registry for the organisation for all its Agreements/Legal Instruments and related documents.

12. Any UN-Habitat personnel who contravene the United Nations Financial Regulations and Rules or Administrative Instruments when negotiating and/or concluding Agreements/Legal Instruments may be held personally accountable and financially liable for his/her actions.



13. If you experience any difficulty or need clarification interpreting or enforcing this memorandum, the Legal Unit should be consulted immediately for the necessary guidance, advice, and clarification.

Thank you in advance for your cooperation.

cc: Saidou N'Dow, Head of the Legal Unit, OED
Nana Elsler, Legal Officer, Conduct and Discipline Focal Point, PSEA Focal Point, OED