



# FAQs on the UNDAF Legal Annex

## 1. What is the legal annex/stipulations to the UNDAF?

The UNDAF legal annex supports the objectives of the UNDAF as a mechanism to ensure accountability for the use of resources. As part of the legal framework the UNDAF legal annex establishes the relationship between each UN system agency and the concerned Government. The legal annex provides reference to the cooperation or assistance agreements or other agreement to manage the relationship between the government and each UN organization, which in its turn establishes the legal basis for the implementation of the UNDAF by the UNCT.

You can find the legal annex [here](#) in 3 languages (English, French and Spanish) from which you can copy/paste and put in your UNDAF.

## 2. Which UNDG agencies approved the legal annex for the UNDAF?

All 31 members of the UNDG approved the legal annex for the UNDAF during their meeting on [25 February 2015](#). The document was drafted by the UNDG Programme Working Group and all UN agencies were given the opportunity to provide feedback. Hence, the legal annex is applicable for all members of the UN Country Team.

## 3. If we have an UNDAF with a legal annex, do we still need to develop Country Programme Action Plans (for those relevant agencies)?

The inclusion of this text in the UNDAF eliminates the need for an UNDAF Action Plan or Country Programme Action Plans (CPAPs) applicable only for the UN Funds and Programmes, and therefore streamlines the number of agency-specific instruments. The standard and legal text in the legal annex are taken verbatim from what previously was part of the UNDAF Action Plan Guidance Annex II and they have been cleared by respective UN agencies' legal departments. Many agencies have updated their internal programme and policy framework and have sent out information to their country offices directly explaining the main changes.

## 4. Do we have to use the legal annex as an annex or can we integrate it throughout the document?

The legal annex can be literally used as an annex in the document. Alternatively, the text boxes can also be integrated where they fit into the logical flow of the UNDAF document. See point 14 for examples.

## 5. Is the incorporation of the legal annex in the UNDAF mandatory?

The inclusion of the legal annex applies to all new UNDAFs. It results in an important simplification and reduced transaction costs for the concerned UN agencies and for the government counterparts. CPAPs, applicable only to the Funds and Programmes, are therefore no longer necessary.

## 6. Does the legal annex apply only for formal DaO countries?

Formal DaO countries are countries who have received a written request from the government to apply the DaO approach. In line with the Executive Heads of the respective Agencies, Funds and Programmes' commitment to *"looking forward to seeing UN Country Teams taking steps towards the progressive implementation of the SOPs in their country"*, the UNDAF legal annex is applicable to all UNCTs.

The legal annex is an integral part of the interim UNDAF Guidance, released in May 2016, which is valid for DaO and other countries.

**7. If the government does not accept the terms of the legal annex, which options does the UN have? Can the UNDAF be signed and its implementation be started if the legal annex has not been accepted by the government?**

Given that the legal annex is exactly the same as what used to be part of the CPAPs/UNDAF Action Plans, Governments should in the majority of the cases have no objection to signing<sup>1</sup>. Having the legal annex as part of the UNDAF is therefore the best and most preferred option. Only in very exceptional circumstances, then bilateral agreements will have to be signed between each agency and the government, however, this substantially increases the transactional costs for both sides and undermines the principle agreements reach at the last QCPR in 2012 by all Member States.

In the case the government does have an objection to sign the standard text of the legal annex, clearance should be sought from the UN agencies' respective legal offices.

For some agencies and for countries without a signed Standard Basic Assistance Agreement (SBAA), the legal clauses need to be included in each and every project document signed with the government.

**8. Can the legal annex still be edited and adapted to the preferences of the government?**

No, all the standard and mandatory text should be taken verbatim. The legal annex provides guidance on the mandatory text to be included and the text that should be taken verbatim. Variations should be reduced to the minimum and should be cleared by the UN agencies' respective legal offices.

**9. Is, for the UN MSDF, (which is covering the UN work in a total of 18 countries and overseas territories) one legal annex per country required?**

Yes, because it provides the legal stipulations for accountability of resources between the Government and participating UN agencies.

**10. As the legal annex itself is not signed, who should be signatory of the document (i.e. do all members of all UNCTs need to sign?)**

The UNDAF should be signed by all involved UN agencies. Given that the legal annex is an integral part of the UNDAF, all UN Agencies are accountable to the UNDAF legal annex.

**11. Do agencies that have programmatic activity but do not have an accredited representative (for example Non Resident Agencies) need to still reflect any existing agreement/MOU that they might have with sectoral ministries in the box under Partnerships, Values and Principles?**

Yes, all the work of the UN in a country should be reflected in the UNDAF.

**12. How are agencies represented in the legal annex if they are represented by the SBAA of UNDP in the country?**

All agencies should include the agency-specific reference to the legal basis for the cooperation in that particular country. Agencies covered by the UNDP SBAA provisions should refer to the SBAA as a legal basis as indicated in the legal annex.

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<sup>1</sup> In the case the government does have an objection to sign the standard text of the legal annex, clearance should be sought from the UN agencies' respective legal offices.

**13. We have already signed our UNDAF but forgot the legal annex. Is there an alternative to have the legal annex signed? Through the JWPs or a separate document maybe?**

Yes, in very exceptional circumstances you can sign a separate document to fulfill this requirement. This could be done through for example an exchange of letters with the competent authority, through workplans or programme documents.

**14. Where can I find an example?**

The [UNDAF of Zambia](#) and the [UNDAF of the Maldives](#) shows how the text is integrated throughout the document.

The [UNDAF of Uganda](#) shows how the text has been added as a legal annex.

If you would like to add additional questions, please write them to <a href="mailto:doco.crst@undg.org">doco.crst@undg.org</a> .
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