

Item 5.29 of the agenda

**PROPOSAL FOR THE ESTABLISHMENT
OF THE ARTEK INTERNATIONAL YOUTH AND CHILDREN CENTRE
UNDER THE AUSPICES OF UNESCO**

OUTLINE

Source: 172 EX/Decision 50.

Purpose: At its 172nd session, the Executive Board welcomed the proposal by the Government of Ukraine to establish the International Youth and Children Centre (ARTEK) under the auspices of UNESCO, which is in line with the principles and guidelines for institutes and centres under the auspices of UNESCO (category II) as outlined in document 171 EX/18, approved by the Board in 171 EX/Decision 23. By paragraph 6 of 172 EX/Decision 50, the Board recommended to the General Conference at its 33rd session to approve the establishment of the International Youth and Children Centre (ARTEK) as a category II centre under the auspices of UNESCO and authorized the Director-General to sign the agreement annexed to its decision.

Decision required: paragraph 12.

1. At the 170th session of the Executive Board, Ukraine proposed to grant designation of the International Youth and Children Centre ARTEK as a centre under the auspices of UNESCO (category II). This request was confirmed by the representative of Ukraine at the 171st session of the Executive Board and was formally submitted to the Director-General in a letter signed by the Minister of Family, Children and Youth and the President of the National Commission of Ukraine for UNESCO. The Director-General subsequently prepared a feasibility assessment which was presented to the Executive Board. Based thereon, the Board recommended by decision 172 EX/Decision 50 the granting of category II status.

2. ARTEK was founded in 1925 and currently encompasses 258 ha and ten camps, served by dormitories, refectories, meeting/training rooms, computer centres and vast sports facilities, including a stadium. It has its own hospital, fire and security departments and transportation facilities. Today, ARTEK figures among the largest children's centres of the world. Over the years, the Centre has been awarded numerous national and international awards of excellence. The Centre has a capacity of accommodating up to 400 young people. Throughout a summer season, up to

5,000 young people attend camp activities. ARTEK also disposes of a large number of experienced and committed young staff – 630 teachers and 1,400 attendants –, directed by an experienced Director-General (see also the website at www.artek.org in its entirety available in Russian with an English homepage).

3. Located and headquartered in Gurzuf, on the Crimean coast of the Black Sea, ARTEK aims at providing a basis for presenting the artistic accomplishments and skills as well as nurturing the capacities of young talents from the countries of the Black Sea region and other invited countries. Aimed at young people, the overall objectives are: (a) to further the objectives of artistic education and creativity, to learn to live together and to promote tolerance and understanding among as well as knowledge about different peoples, cultures, customs and traditions, thus pursuing important dimensions of quality Education for All; (b) to promote cultural diversity and artistic development; (c) to undertake concrete and practical action contributing to the dialogue among civilizations, cultures and peoples; and (d) to promote peace and peaceful solutions to common problems, thus fostering the emergence of a culture of peace among young people from different countries, subregions and regions.

4. Overall, the objectives of the Centre are fully in line with the objectives of the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010), for which UNESCO serves as lead agency of the United Nations system. The goal is to offer quality programmes that help to enhance young people's comprehensive development through positive and creative social interaction. They may take the form of workshops, master classes, seminars, joint task forces, sports competitions, concerts and performances, crafts and art exhibits and other cultural celebrations and events. They also provide for interaction of the children and adolescents with artists, public figures and well-known personalities, the celebration of national culture days and the selection of young peace messengers elected by each national group.

5. The programme objectives and the activities undertaken by ARTEK thus correspond to several strategic objectives of UNESCO, in particular in the education and culture programmes. Moreover, ARTEK's efforts are fully geared towards the mainstreaming of the needs and aspirations of youth in all areas pursued, as is the policy of UNESCO set out in the Organization's Medium-Term Strategy for 2002-2007 (31 C/4). Indeed, UNESCO would be well placed to provide materials and technical support to a number of programme activities.

6. ARTEK has acquired extensive experience and expertise in the conduct of international youth programmes and it possesses excellent capacities and suitable facilities. This augurs well for the pursuit of the Centre's objectives and the implementation of its future work programme as well as for opportunities of joint cooperation between UNESCO and Ukraine. This may well include the holding of UNESCO-related regional and international seminars, workshops and conferences, in particular the holding of thematic youth forums. For its part, UNESCO sees the Centre as a valuable mechanism to pursue the various dimensions of the Decade for a Culture of Peace and Non-Violence for the Children of the World as well as providing input to its mandate to mainstream the needs and requirements of youth in all the programme areas of the Organization.

7. ARTEK's current legal structure is that of a national entity under the laws of Ukraine and currently administered as part of the State Administrative Department of the President of Ukraine. It is financed from the national budget of Ukraine, involving an amount of some 80 million hryvnia (equivalent to some US \$16 million) complemented by contributions from charitable foundations. No financial contributions are envisaged from UNESCO's regular budget, with the exception of potential ad hoc funding of specific well-defined activities under the work plans of a sector concerned.

8. To meet the requirements of a category II centre, a separate governing body for Artek is currently in the process of formation. Among its members are representatives of various ministries of Ukraine – in particular the Ministry of Family, Children and Youth –, the National Commission of Ukraine for UNESCO, members of parliament as well as representatives of the private sector, civil society and charitable foundations. Representatives of the National Commissions of the countries of the Black Sea regions as well as a select number of eminent personalities will also be invited to join the governing body. Thus, it will comprise a broad and representative range of stakeholders ensuring an equally broad support base on which ARTEK can draw in its future activities. In accordance with the guidelines approved by the Executive Board, the Director-General shall designate a representative to become a member of the governing body.

9. It may be worth noting that ARTEK would be the first category II centre explicitly devoted to the needs and interests of youth.

10. Having considered the proposal for the establishment of the ARTEK International Youth and Children Centre under the auspices of UNESCO contained in document 172 EX/46 as well as documents 172 EX/INF.11, 172 EX/61 Part I and 172 EX/62, the Executive Board adopted at its 172nd session 172 EX/Decision 50 which reads as follows:

“The Executive Board,

1. Recalling the statements of the representative of Ukraine to the 169th, 170th and 171st sessions of the Executive Board concerning the International Youth and Children Centre (ARTEK),
2. Mindful of United Nations General Assembly resolution 53/243 adopting the United Nations Declaration and Programme of Action on a Culture of Peace as well as General Assembly resolution 56/5 on the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010),
3. Further recalling the guidelines and criteria governing category II institutes and centres approved by 21 C/Resolution 40.1, 165 EX/Decision 5.4 and 171 EX/Decision 23,
4. Having considered document 172 EX/46,
5. Welcomes the proposal by the Government of Ukraine to establish the International Youth and Children Centre (ARTEK) under the auspices of UNESCO, which is in line with the principles and guidelines for institutes and centres under the auspices of UNESCO (category II) as outlined in document 171 EX/18 approved by the Executive Board in 171 EX/Decision 23;
6. Recommends to the General Conference at its 33rd session that it approve the establishment of the International Youth and Children Centre (ARTEK) as a category II centre under the auspices of UNESCO and authorize the Director-General to sign the agreement annexed to the present decision.”

11. Accordingly, the General Conference may wish to consider adopting the following draft resolution:

The General Conference,

1. Having considered document 33 C/66 and 172 EX/Decision 50,

2. Recognizing the importance of youth participation and the need for mainstreaming the needs and aspirations of youth in all UNESCO's areas of competence, as outlined in the Organization's Medium-Term Strategy for 2002-2007 (31 C/4),
3. Welcomes the proposal by the Government of Ukraine to establish the International Youth and Children Centre (ARTEK);
4. Acknowledges the importance of the Centre's overall objectives and contribution to furthering the objectives of artistic creation and creativity, learning to live together and promoting tolerance and understanding, thereby pursuing key dimensions of quality Education for All; promoting cultural diversity and artistic development; contributing to dialogue among civilizations, cultures and peoples; promoting peace and peaceful solutions and fostering the emergence of a culture of peace among young people from different countries, subregions and regions;
5. Noting that the objectives of the Centre are fully in line with the objectives of the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010), for which UNESCO serves as lead agency of the United Nations system;
6. Approves the establishment of the International Youth and Children Centre (ARTEK) as a category II centre under the auspices of UNESCO;
7. Authorizes the Director-General to sign the agreement annexed to the present document.

ANNEX

Proposed Agreement between UNESCO and Ukraine regarding the International Youth and Children Centre (ARTEK) as a centre under the auspices of UNESCO (category II)

The Government of Ukraine on the one hand, and

The Director-General of the United Nations Educational, Scientific and Cultural Organization on the other hand,

Having regard to the General Conference resolution adopted at its 33rd session whereby the UNESCO General Conference decides to place the International Youth and Children Centre (ARTEK) under the auspices of UNESCO,

Considering that the Director-General has been authorized by the General Conference to conclude with the Government of Ukraine an agreement in conformity with the draft which was submitted to the General Conference,

Desirous of defining the terms and conditions governing the contribution that shall be granted to the said Centre in this Agreement,

Have agreed as follows:

Article I – Interpretation

1. In this Agreement, unless the context requires a different meaning, “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization.
2. “Centre” or “ARTEK” refers to the International Youth and Children Centre (ARTEK).

Article II – Establishment

The Government shall agree to take, in the course of the years 2005 and 2006, any measures that may be required for the setting up, as provided for under this Agreement, of the International Youth and Children Centre (ARTEK) in Ukraine, hereinafter called “the Centre”.

Article III – Participation

1. The Centre shall be an autonomous institution at the service of Member States and Associate Members of UNESCO that, by their common interest in the objectives of the Centre, desire to cooperate with the Centre.
2. Member States of UNESCO wishing to participate in the Centre’s activities, as provided for under this Agreement, shall send the Director-General of UNESCO notification to this effect. The Director-General shall inform the Centre and the Member States mentioned above of the receipt of such notifications.

Article IV – Purpose of the Agreement

The purpose of this Agreement is to define the terms and conditions governing collaboration between UNESCO and the Government of Ukraine and also the rights and obligations stemming therefrom for the parties.

Article V – Juridical personality

The Centre shall enjoy on the territory of the Ukraine the personality and legal capacity necessary for the exercise of its functions, in particular the capacity:

- to contract;
- to institute legal proceedings;
- to acquire and dispose of movable and immovable property.

Article VI – Constitution

The Constitution of the Centre must include the following provisions:

- (a) a legal status granting to the Centre, under national legislation, the autonomous legal capacity necessary to exercise its functions and to receive subventions, obtain payments for services rendered and carry out the acquisition of all means required;
- (b) a governing structure for the Centre allowing UNESCO representation within its governing bodies.

Article VII – Functions/Objectives

The functions/objectives of the Centre shall be:

- (a) to further among young people the objectives of artistic education and creativity, to learn to live together and to promote tolerance, understanding and knowledge about different peoples, cultures, customs and traditions, thus pursuing important dimensions of quality Education for All;
- (b) to promote cultural diversity and artistic development;
- (c) to undertake concrete and practical action contributing to the dialogue among civilizations, cultures and peoples;
- (d) to promote peace and peaceful solutions to common problems, thus fostering the emergence of a culture of peace among young people from different countries, sub-regions and regions;
- (e) to contribute to the objectives of the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010), for which UNESCO serves as lead agency of the United Nations system.

The goal of the Centre is to offer quality programmes that help to enhance young people's comprehensive development through positive and creative social interaction. They may take the form of workshops, master classes, seminars, joint task forces, sports competitions, concert and performances, crafts and art exhibits and other cultural celebrations and events. They may also provide for interaction of the children and adolescents with artists, public figures and well-known personalities, the celebration of national culture days and the selection of young peace messengers.

Article VIII – Governing Board

1. The Centre shall be guided and supervised by a Governing Board renewed every four years and composed of:
 - (a) one or several representatives of the Government concerned or his/her or their appointed representative(s);
 - (b) a representative of each of the other Member States that shall send to the Director-General of UNESCO a notification, in accordance with the stipulations of Article III, paragraph 2, above;
 - (c) a representative of the Director-General of UNESCO.
2. The Governing Board shall:
 - (a) approve the long-term and medium-term programmes of the Centre;
 - (b) approve the annual work plan and budget of the Centre, including the staffing table;
 - (c) examine the annual reports submitted by the Director of the Centre;
 - (d) issue the rules and regulations and determine the financial, administrative and personnel management procedures of the Centre;
 - (e) decide on the participation of regional intergovernmental organizations and international organizations in the work of the Centre.
3. The Governing Board shall meet in ordinary session at regular intervals, at least once every calendar year; it shall meet in extraordinary session if summoned by the Chairperson, either on his/her own initiative or at the request of the Director-General of UNESCO or half of its members.
4. The Governing Board shall adopt its own rules of procedure. For its first meeting the procedure shall be established by the Government and UNESCO.

Article IX – Executive Committee

In order to ensure the effective running of the Centre between sessions, the Governing Board may delegate to a Standing Executive Committee, whose membership it fixes, such powers as it deems necessary.

Article X – Secretariat

1. The Centre's Secretariat shall consist of a Director and such staff as is necessary for the proper functioning of the Centre.
2. The Director shall be appointed by the Chairperson of the Governing Board in consultation with the Director-General of UNESCO.
3. The other members of the Secretariat may comprise:
 - (a) members of UNESCO's staff who would be temporarily detached and made available to the Centre, as provided for by UNESCO's regulations and by the decisions of its governing bodies;

- (b) any person appointed by the Director, in accordance with the procedures laid down by the Governing Board;
- (c) Government officials who would be made available to the Centre, as provided by Government regulations.

Article XI – Duties of the Director

The Director shall discharge the following duties:

- (a) direct the work of the Institute/Centre in conformity with the programmes and directives established by the Governing Board;
- (b) propose the draft work plan and budget to be submitted to the Governing Board for approval;
- (c) prepare the provisional agenda for the sessions of the Governing Board and submit to it any proposals that he/she may deem useful for the administration of the Institute/Centre;
- (d) prepare reports on the Institute/Centre's activities to be submitted to the Governing Board;
- (e) represent the Institute/Centre in law and in all civil acts.

Article XII – Contribution of UNESCO

1. UNESCO shall provide assistance in the form of a technical and/or financial contribution for the activities of the Centre in accordance with the strategic goals and objectives of UNESCO.
2. UNESCO shall agree to:
 - provide the assistance of its experts in the specialized fields of the Centre;
 - detach temporarily members of its staff. Such detachment may be decided by the Director-General on an exceptional basis if justified by the implementation of a joint activity/project within a priority area as approved by UNESCO's governing bodies;
3. In all the cases listed above, this contribution shall be provided for in UNESCO's Programme and Budget.

Article XIII – Contribution of the Government

The Government shall agree to provide all the resources, either financial or in kind, needed for the administration and proper functioning of the Centre. In particular, the Government shall entirely assume the costs for the maintenance of the premises, the operations of the Centre and for the Centre's substantive and administrative staff.

Article XIV – Privileges and immunities

The contracting parties shall agree, when circumstances so require, on provisions relating to privileges and immunities.

Article XV – Responsibility

As the Centre is legally separate from UNESCO, the latter shall not be legally responsible for it and shall bear no liabilities of any kind, be they financial or otherwise, with the exception of the provisions expressly laid down in this Agreement.

Article XVI – Evaluation

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in order to check:
 - whether the Centre makes an important contribution to the strategic goals of UNESCO;
 - whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.
2. UNESCO shall agree to submit to the Government, at the earliest opportunity, a report on any evaluation.
3. UNESCO shall reserve the option to denounce this Agreement or amend its contents, following the results of an evaluation.

Article XVII – Use of UNESCO name and logo

1. The Centre may mention its affiliation with UNESCO. It may therefore use after its title the mention “under the auspices of UNESCO”.
2. The Centre is authorized to use the UNESCO logo or a version thereof on its letterheaded paper and documents, in accordance with the conditions established by the governing bodies of UNESCO.

Article XVIII – Duration of the Organization’s assistance

UNESCO’s assistance under this Agreement is fixed for a period of 6 years as from its entry into force and may be renewed by tacit agreement.

Article XIX – Entry into force

This Agreement shall enter into force upon meeting the formalities required to that effect by the domestic law of the Ukraine and by UNESCO’s internal regulations.

Article XX – Denunciation

1. The non-observance of one or several obligations contained in the present Agreement by one of the parties shall entitle the other to denounce unilaterally the Agreement.
2. The denunciation shall take effect within 6 months following receipt of the notification sent by one of the contracting parties to the other.

Article XXI – Revision

The present Agreement may be revised by consent between the Government of Ukraine and UNESCO.

Article XXII – Settlement of disputes

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if it is not settled by negotiation or any other appropriate method agreed to by the parties, shall be submitted for final decision to an arbitration tribunal composed of three members, one of whom shall be appointed by the Government of Ukraine, another by the Director-General of UNESCO, and the third, who shall preside over the tribunal, chosen by these two. If the two arbitrators cannot agree on the choice of the third, the appointment shall be made by the President of the International Court of Justice.

2. The Tribunal's decision shall be final.

In witness whereof, the undersigned have signed this Agreement.

Done in [x] copies in the [...] languages, on [...]

For the United Nations Educational,
Scientific and Cultural Organization

For the Government