



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-first session

181 EX/17

Part I

PARIS, 27 March 2009

Original: English

Item 17 of the provisional agenda

REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES UNDER THE AUSPICES OF UNESCO

PART I

PROPOSAL TO ESTABLISH AN INTERNATIONAL BIOMICS TRAINING CENTRE IN REHOVOT, ISRAEL, AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

SUMMARY

In response to a request by the Government of the State of Israel for the establishment of an International Training and Education Centre in Proteomics, Functional Genomics and Bioinformatics (BIOmics) in Rehovot, Israel, as a category 2 centre under the auspices of UNESCO, a technical mission was undertaken in February 2008. This mission sought to evaluate the feasibility of establishing the proposed Centre.

This present document has been prepared pursuant to the mission, reviews the prerequisites for the establishment of the Centre, and provides the scientific and institutional rationale behind the Israeli proposal.

It is supplemented by a Draft Agreement between UNESCO and the State of Israel (Annex).

Financial and administrative implications are covered in paragraphs 7(d) and (e).

Action expected of the Executive Board: proposed decision in paragraph 11.

INTRODUCTION

1. The State of Israel has proposed the establishment of an International BIOmics Training Centre in Rehovot, Israel, under the auspices of UNESCO, hereinafter referred to as the "Centre".
2. Recent advances in the areas of molecular biology, genetics and bioengineering have given rise to new developments and technologies that have a huge potential for application in the fields of agriculture, environmental protection and medicine, as well as development of bio-industries. The fields of proteomics, functional genomics and bioinformatics, are at the forefront of these emerging technologies that are contributing to the growing scientific knowledge in the biological sciences.
3. Bioinformatics has brought together the biological sciences and computer and information technology to provide tools for the rapid analysis of the vast information accumulated by current scientific work, and to make this data accessible to researchers worldwide. Advanced research activity in biological sciences has generated a huge amount of data that is largely inaccessible to scientists, especially in developing countries, and too difficult to manipulate using the regular scientific tools. The field of bioinformatics has opened up the possibilities for accessing and manipulating large sets of data. The technology has been useful in linking databanks worldwide for the benefit of scientific endeavour, allowing comparative analysis of stored data. In addition, this tool can be adaptable to many other applications, e.g. predicting protein structures and developing new vaccines and new drugs.
4. Proteomics involves the large-scale analysis of numerous different proteins simultaneously, e.g. associated with a given disease, allowing the understanding of their interrelationships and function and identifying potential new targets for development of drugs. Functional genomics uses the results of genome sequencing projects and focuses on the understanding of functions and interactions occurring at the level of genome, as gene activation and/or inhibition, and gene mutations leading to various pathologies.
5. The Director-General paid an official visit to Israel from 4 to 7 February 2008 during which he visited the Weizmann Institute of Science in Rehovot and discussed with the institutional and governmental authorities the possible establishment of an international training and teaching centre on proteomics, functional genomics and bioinformatics.
6. Subsequently, a technical visit was conducted by the Division of Basic and Engineering Sciences of UNESCO from 8 to 15 February 2008, to assess the feasibility and viability of establishing the proposed Centre and evaluate the scientific quality of the proposal and its compatibility with UNESCO's programmes and related objectives.

OVERVIEW OF THE PROPOSAL

7. The proposal submitted by the State of Israel has endeavoured to address the requirements specified in document 33 C/19 "Principles and guidelines for the establishment and functioning of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2)".
 - (a) **Objectives:** The main objective of the Centre is to provide high-level training and apprenticeships in proteomics, functional genomics and bioinformatics to scientists from the region and internationally.
 - (b) **Functions:**
 - (i) Exploiting Israel's advanced infrastructure and expertise, the Centre will allow knowledge transfer, build capacity and promote scientific collaboration in these fields both regionally and internationally.

- (ii) It will organize training workshops in proteomics, functional genomics and bioinformatics on a bimonthly basis using local and international experts, to include both introductory and specialized sessions on cutting-edge technology in these fields.
 - (iii) It will provide full-year training programmes (six in the start-up year and 12 annually thereafter) on fields covered by the Centre, to be hosted by various Israeli universities according to their expertise, notably, the Weizmann Institute of Science, the Hebrew University of Jerusalem, the Tel Aviv University, the Haifa University, the Israel University of Technology (Technion), the Bar Ilan University, the Ben-Gurion University and the Agricultural Research Organization (Volcani Institute).
 - (iv) It will build on existing programmes for postgraduate and post-doctoral research and training, scholarships and awards in the fields specified.
- (c) **Legal status and structure:** Within the State of Israel, the Centre will enjoy the status of an independent legal entity, located at the premises of the Weizmann Institute of Science. It will have the authority to accept such resources as subventions, gifts or payments for services rendered.

Its structure will involve:

- (i) **Governing Board:** A Governing Board will be set up for the Centre comprising a representative of the State of Israel, a representative of UNESCO and a representative of each of the Member States that has obtained full membership of the Centre in accordance with Article 3 of the Draft Agreement. The Governing Board will have the function of guiding the activities of the Centre and approving the annual budget, the programme and priorities of the Centre. The representative of the State of Israel will Chair the Board.
 - (ii) **Secretariat:** The Secretariat will be comprised of the Director of the Centre, and administrative and technical support staff as required to ensure the proper execution of the day to day activities of the Centre under the authority of the Director of the Centre. The Director of the Centre will be nominated by the Chair of the Governing Board in consultation with the Director-General of UNESCO.
- (d) **Financial matters:**
- (i) The State has agreed to provide financial and/or in-kind resources that will be required for the administration and scientific programme of the Centre.
 - (ii) In this context the State, through the Ministry of Science, has made a commitment to provide 1.7 million New Israeli Shekels (NIS) annually for the first five years towards the direct budget for the Centre's funding to cover, among other things, fellowships, organization of workshops and hosting of the central computer server. This support will be on the basis of a long-term financial arrangement between the Government and the Centre.
 - (iii) Further, the State and the Institute will provide 850,000 NIS each, annually, through in-kind support, to cover, among other things, the facilities, IT infrastructure and salaries of principal investigators.
 - (iv) Other national collaborating institutions are expected to make some in-kind contribution.
 - (v) The Centre will also be expected to create its own fund-raising activities.

(vi) The financial support of the State for the Centre will be reviewed every five years.

(e) Areas of cooperation with UNESCO:

- (i) Cooperative activities will be developed in line with UNESCO's programme priorities as Africa and gender equality; capacity-building actions in the fields of proteomics, functional genomics and bioinformatics will be developed, in particular through joint activities within the International Basic Sciences Programme (IBSP).
- (ii) In this context the Weizmann Institute of Science is already working with IBSP to develop training workshops promoting high-level research and scientific excellence in these fields.
- (iii) UNESCO will facilitate knowledge sharing, scientific exchanges and collaboration with institutions and organizations working in the relevant fields at the regional and international levels.
- (iv) UNESCO may provide catalytic support for activities and projects deemed to be in line with priorities of UNESCO programmes, in particular those of IBSP. It will not however, have any legal or financial obligations towards the Centre and will not provide support for the administrative or running costs.
- (v) UNESCO will disseminate information on the activities and programmes of the Centre through its website, other in-house publications and through its network of field offices.
- (vi) It is envisaged that the Centre will interact with other relevant UNESCO programmes and initiatives of similar goals.

RELATIONSHIP TO UNESCO'S OBJECTIVES AND PROGRAMMES

- 8. (a) UNESCO's Medium-Term Strategy (2008-2013), as outlined in document 34 C/4, indicates in Strategic Programme Objective 4 that the Organization will focus on: "Fostering policies and capacity-building in science, technology and innovation" which is directly linked to objectives set by the Centre for its activities.
- (b) Integration of an interdisciplinary approach in research and training is an integral part of both UNESCO's and the Centre's planned activities.
- (c) Biennial sectoral priority 2, as outlined in document 34 C/5, calls for strengthening national and regional research and innovation systems, capacity-building, the use of technologies and scientific networking, all of which are also present in the Centre's objectives.
- (d) These are also key elements of the mandate set for IBSP (see 165 EX/9) which form a core of its strategy and major priority actions as outlined in document 176 EX/11.
- (e) The Ministerial Round Table "The Basic Sciences: The Science Lever for Development" (UNESCO, Paris, October 2005) and the Ministerial Round Table on "Science and Technology for Sustainable Development and the Role of UNESCO" (UNESCO, Paris, October 2007) stressed the important role of global transdisciplinary cooperation and institutional networking, sharing of best practices, resources and infrastructures, as well as the establishment of centres of excellence, in enhancing institutional capacity-building in the basic sciences. The current proposal is fully in line with these recommendations.

REGIONAL OR INTERNATIONAL IMPACT OF THE CENTRE

9. (a) The Centre will play a major role in organizing and supporting research and training activities for developing countries, particularly in Africa, in science, technology and innovation, including ICTs for education, within the framework of a Memorandum of Understanding between UNESCO and the State of Israel.
- (b) The Centre will foster scientific exchange and reinforce existing collaboration in the region and beyond, promoting new partnerships through the creation of mutually beneficial research and development programmes.
- (c) The Centre will benefit from, and reinforce, the well-developed collaboration and long-standing partnerships established by the Weizmann Institute of Science in the field of proteomics, functional genomics and bioinformatics, with institutions in Poland, India and Turkey through an established Network of the International Centres for Cooperation in Bioinformatics (ICCBnet), hosted by the Weizmann Institute, as well as strengthen the Institute's wider international collaboration in Asia (Singapore, Korea), Africa (South Africa, Kenya) and Brazil.
- (d) The Centre will contribute to upgrading national, regional and global capacity in terms of expertise in the fields of its activities, and will help ensure effective transfer of appropriate technologies. In this context the activities of this proposed Centre will complement the action of the Regional Centre for Biotechnology Education and Training in India, a category 2 centre under the auspices of UNESCO.

CONCLUSIONS

10. (a) The Centre meets the criteria for creation of institutes and centres under the auspices of UNESCO (category 2) as outlined in the Principles and Guidelines regarding the establishment and operation of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2) (33 C/19).
- (b) The Institute has already a high level of expertise in the areas of interest of the proposed Centre, and the ongoing training activities of students and young scientists can be easily expanded to an international scale.
- (c) Activities proposed for the Centre meet UNESCO's objectives, contributing to the development of research and training programmes among scientists in the fields relevant to the Centre's activities, and promoting greater accessibility to information and to cutting-edge technologies especially for developing countries in Africa. The proposal demonstrates common interests and priorities with IBSP and its new strategy. Further establishment of the Centre is expected to complement UNESCO's programmes in life sciences, as an international hub for capacity-building and science education.
- (d) The State of Israel has shown strong commitment to establish the proposed Centre. While the Centre will be autonomous, the State of Israel, through its Ministry of Science, will provide substantial financial contribution towards the annual budget, to support training activities and their related costs. In addition, there was a strong and clear support for this initiative on the part of the academic staff at the Weizmann Institute of Science.
- (e) The Weizmann Institute of Science enjoys a worldwide reputation for excellence, and the contribution of this Centre to regional and international scientific cooperation is significant and should be supported. The Institute already plays an important role in the Forum for European Structural Proteomics (FESP), funded by the European

Commission, which advises on infrastructure and strategic research agenda in life sciences in Europe. The proposed Centre would benefit from these activities, and may get involved in policy advice for, especially, developing countries.

- (f) In terms of infrastructure, the Weizmann Institute of Science is well placed to meet the requirements of high-level research and advanced training. Its scientific and technical capacity is undisputed and can easily absorb the activities proposed to be run at the Centre.
- (g) The Institute has good working relations with other national and international academic institutions engaged in molecular biology and biotechnology research and training, and offers high-level expertise in these areas. In this context, the Centre will benefit from existing collaboration and long-standing partnerships in the fields relevant to this proposal.
- (h) In summary, the Weizmann Institute of Science has the capacity and is an excellent choice to host the proposed Centre. Its international reputation will facilitate mobilization of possible extrabudgetary funding.
- (i) UNESCO may provide assistance, as needed, in the form of technical assistance for the programme activities of the Centre, in accordance with the strategic goals and objectives of UNESCO. In addition UNESCO may contribute financially only to specific and concrete activities and projects of the Centre that are in line with UNESCO's programme priorities.

ACTION EXPECTED OF THE EXECUTIVE BOARD

11. In the light of the foregoing, the Executive Board may wish to consider the following decision:

The Executive Board,

1. Having examined document 181 EX/17 Part I providing the basic outline of the proposal to establish an International BIOmics Training Centre in Rehovot, Israel, under the auspices of UNESCO,
2. Aware of the importance of international and regional cooperation for the development of science and technology,
3. Welcoming the proposal of the State of Israel,
4. Taking note of the observations and conclusions of the present feasibility study,
5. Deeming the considerations and proposals contained therein to be such as to meet the requirements needed for the creation of institutes and centres under the auspices of UNESCO (category 2),
6. Recommends that the General Conference at its 35th session approve the establishment of the International BIOmics Training Centre, Israel, under the auspices of UNESCO and that it invite the Director-General to sign the corresponding agreement between UNESCO and the Government of Israel contained in the Annex to document 181 EX/17 Part I.

ANNEX
DRAFT AGREEMENT BETWEEN
THE GOVERNMENT OF THE STATE OF ISRAEL
AND THE
UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)
CONCERNING THE ESTABLISHMENT OF AN INTERNATIONAL BIOMICS TRAINING CENTRE
IN REHOVOT, ISRAEL, AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

The Government of the State of Israel

and

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

Having regard for UNESCO's Medium-Term Strategy (2008-2013) as outlined in document 34 C/4, indicates in Strategic Programme Objective 4: Fostering policies and capacity-building in science, technology and innovation,

Further noting the key elements of the mandate set for the International Basic Sciences Programme (IBSP) (see 165 EX/9),

Bearing in mind UNESCO's role in catalysing international cooperation for capacity-building in Member States in its fields of competence,

Considering 35 C/Resolution___ whereby the UNESCO General Conference seeks to favour international cooperation in respect of education and training in the fields of proteomics, functional genomics and bioinformatics,

Considering that the Director-General has been authorized by the General Conference to conclude with the Government of the State of Israel an agreement in conformity with the draft that 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 1 – Interpretation

1. In this Agreement, "UNESCO" refers to the United Nations Educational, Scientific and Cultural Organization.
2. "Government" means the Government of the State of Israel.
3. "Institute" means the Weizmann Institute of Science.
4. "Centre" means the proposed International BIOmics Training Centre.

Article 2 – Establishment

The Government shall agree to take, in the course of the year 2010, any measures that may be required for the setting up at the Weizmann Institute of Science of a centre under the auspices of UNESCO (category 2 centre), as provided for under this Agreement, hereinafter referred to as the "Centre".

Article 3 – Participation

1. The Centre shall be established as an autonomous, independent legal entity at the service of Member States and Associate Members of UNESCO which, 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 to the Centre notification to this effect. The Director shall inform other interested Member States and UNESCO of the receipt of such notifications.

Article 4 – Purpose of the Agreement

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

Article 5 – Juridical personality

The Centre shall enjoy on the territory of the Government, 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 6 – Constitutive Act

The constitutive act of the Centre must include provisions concerning:

- (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 acquire all means necessary for its functioning;
- (b) a governing structure for the Centre allowing UNESCO representation within its governing body.

Article 7 – Functions/objectives

The functions/objectives of the Centre shall be:

Objectives

To provide high-level training and apprenticeships in proteomics, functional genomics and bioinformatics to scientists from the region and internationally.

Functions

- (a) Allow knowledge transfer, build capacity and promote scientific collaboration in these fields both regionally and internationally by exploiting Israel's advanced infrastructure and expertise in proteomics, functional genomics and bioinformatics.
- (b) Organize training workshops in these fields on a bimonthly basis using local and international experts, to include both introductory and specialized sessions on cutting-edge technology.
- (c) Provide full-year training programmes (six in the start-up year and 12 annually thereafter) on fields covered by the Centre, to be hosted by all Israeli universities according to their expertise, notably, the Weizmann Institute of Science, the Hebrew

University of Jerusalem, the Tel Aviv University, the Haifa University, the Israel University of Technology (Technion), the Bar Ilan University, the Ben-Gurion University and the Agricultural Research Organization (Volcani Institute).

- (d) Build on existing programmes for postgraduate and post-doctoral research and training, scholarships and awards in the fields specified.
- (e) Allow, in the longer term, the development of outreach programmes aimed at international civil society.

Article 8 – Governing Board

1. The Centre shall be guided and supervised by a Governing Board to be renewed every five years and composed of:
 - (a) a representative of the Government or his/her appointed representative;
 - (b) representatives of Member States, which have sent to the Centre notification for membership, in accordance with the stipulations of Article 3, paragraph 2 above, and have expressed interest in being represented on the Board;
 - (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 convened by its Chairperson, either on his or her own initiative or at the request of the Director-General of UNESCO or of two thirds 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 9 – 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 determines, such powers as it deems necessary.

Article 10 – 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. The Director-General of UNESCO may be consulted on the choice of the candidate.

3. The other members of the secretariat may comprise:
 - (a) members of UNESCO's staff who are temporarily seconded 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 are made available to the Centre, as provided by government regulations.

Article 11 – 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 or she may deem useful for the administration of the Centre;
- (d) prepare reports on the Centre's activities to be submitted to the Governing Board and UNESCO;
- (e) represent the Centre in law and in all civil acts.

Article 12 – Contribution of UNESCO

1. UNESCO may provide assistance, as needed, in the form of technical assistance for the programme activities of the Centre, in accordance with the strategic goals and objectives of UNESCO.
2. UNESCO undertakes to:
 - (a) provide the assistance of its experts in the specialized fields of the Centre;
 - (b) second members of its staff temporarily, as may be decided by the Director-General on an exceptional basis if justified by the implementation of a joint activity/project within a strategic programme priority area;
 - (c) include the Centre in various programmes which it implements and in which the participation of the latter appears necessary.
3. In all the cases listed above, such assistance shall not be undertaken except when it has been specifically approved in UNESCO's programme and budget.

Article 13 – Contribution of the Government

1. The Government shall provide all the resources, either financial or in kind, needed for the administration and proper functioning of the Institute/Centre.

2. The Government undertakes to:
 - (a) make available to the Centre the required teaching and lecture facilities at the Weizmann Institute of Science, in Rehovot;
 - (b) contribute to the Centre the financial and/or in-kind resources that will be required for the administration and scientific programme of the Centre;
 - (i) in this context the Government, through the Ministry of Science, has committed to provide 1.7 million New Israeli Shekels (NIS) annually for the first five years towards the direct budget for the Centre's funding to cover, among other things, fellowships, organization of workshops and hosting of the central computer server. This support will be on the basis of a long-term financial arrangement between the Government and the Centre;
 - (ii) further, the Government and the Institute will provide annually 850,000 NIS each, through in-kind support, to cover, among other things, the facilities, IT infrastructure and salaries of principal investigators;
 - (iii) other national collaborating institutions are expected to make some in-kind contribution;
 - (iv) the Centre will also be expected to create its own fund-raising activities;
 - (v) the financial support of the Government for the Centre shall be reviewed every five years.

Article 14 – 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 15 – Evaluation

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in order to ascertain:
 - (a) whether the Centre makes a significant contribution to the strategic goals of UNESCO;
 - (b) whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.
2. UNESCO undertakes to submit to the Government, at the earliest opportunity, a report on any evaluation conducted.
3. Following the results of an evaluation, each of the contracting parties shall have the option of requesting a revision of its contents or of denouncing the Agreement, as envisaged in Articles 20 and 21.

Article 16 – Use of the 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 17 – Entry into force

This Agreement shall enter into force, following its signature by the contracting parties, when they have informed each other in writing that all the formalities required to that effect by the domestic law of the State of Israel and by UNESCO's internal regulations have been completed. The date of receipt of the last notification shall be deemed to be the date of entry into force of this Agreement.

Article 18 – Duration

This Agreement is concluded for a period of five years as from its entry into force, and may be tacitly renewed.

Article 19 – Denunciation

1. Each of the contracting parties shall be entitled to denounce this Agreement unilaterally.
2. The denunciation shall take effect within 30 days following receipt of the notification sent by one of the contracting parties to the other.

Article 20 – Revision

This Agreement may be revised by consent between the Government and UNESCO.

Article 21 – Settlement of disputes

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if 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, another by the Director-General of UNESCO, and a third, who shall preside over the tribunal, shall be chosen by the first two. If the two arbitrators cannot agree on the choice of a 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 2 copies in English, on day/month/year

.....
For the United Nations Educational,
Scientific and Cultural Organization

.....
For the Government



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and eighty-first session

181 EX/17
Part II

PARIS, 13 March 2009
Original: English

Item 17 of the provisional agenda

**REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES
FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES
UNDER THE AUSPICES OF UNESCO**

PART II

**PROPOSAL FOR THE ESTABLISHMENT OF AN INTERNATIONAL
CENTRE ON WATER RESOURCES AND GLOBAL CHANGE IN THE,
FEDERAL REPUBLIC OF GERMANY AS A CATEGORY 2 INSTITUTE
UNDER THE AUSPICES OF UNESCO**

SUMMARY

Following a proposal by the Government of the Federal Republic of Germany to establish an International Centre for Water Resources and Global Change under the auspices of UNESCO, in the Federal Republic of Germany, the 18th session of the Intergovernmental Council of the International Hydrological Programme (IHP) adopted Resolution XVIII-3 in June 2008 welcoming the establishment of the Centre. A UNESCO mission, which was covered by the Secretariat of the German National Committee for IHP/HWRP, was undertaken in the Federal Republic of Germany in October 2008 in order to assess the feasibility of establishing the proposed Centre.

This document contains the feasibility study for the proposed Centre, supplemented by annexes containing Resolution XVIII-3 of the IHP Intergovernmental Council and the proposed draft agreement between UNESCO and the Government of the Federal Republic of Germany concerning the Centre. The feasibility study of the proposal was made in conformity with document 33 C/19 relating to the principles and guidelines for the establishment and functioning of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2), as approved by the General Conference in 33 C/Resolution 90. Financial and administrative implications are dealt with in paragraph 13.

Action expected of the Executive Board: proposed decision in paragraph 18.

I. INTRODUCTION

1. The Government of the Federal Republic of Germany has proposed the establishment of an International Centre for Water Resources and Global Change located adjacent to the Federal Institute of Hydrology as a category 2 centre under the auspices of UNESCO. This document outlines the background, scope, feasibility and foreseeable implications of the creation of the proposed Centre, especially with regard to benefits to Member States in the region and the Centre's relevance to UNESCO's programmes. In accordance with document 33 C/19, as approved by 33 C/Resolution 90 of the General Conference, concerning the establishment of international or regional category 2 centres, a decision from the Executive Board will be sought to continue the process to establish the Centre under the auspices of UNESCO. The draft agreement which has been negotiated between UNESCO and the Government of the Federal Republic of Germany is presented in Annex II of this document.
2. The world population is increasing rapidly and by the year 2050 the present population will increase from 6 billion to 9 billion. The increased water demand will rely heavily on a sustainable development and integrated water resources management in the context of global change, be it population growth, climate change, urbanization, migration, land conversion or environmental degradation. Currently, an international training and scientific institution on water resources and global change does not exist. The Centre is thus expected to contribute to enhance technical and scientific cooperation and knowledge transfer in related topics at both regional and international levels. The potential impact of the Centre on scientific and technical cooperation in the region and the world is thus most significant. The Centre will create new momentum in the development of scientific activities, focused to study, develop, evaluate and communicate the implications of global change on the status of the world's water resources. Global change affects both water quality and quantity. The Centre will address the different aspects of global change mentioned above in a holistic manner, helping to advance our knowledge on the interactions between global change and water resources.
3. The Millennium Development Goals, in particular the reduction of hunger, require that Member States address water resources management and global change with utmost urgency. In this context, the emphasis that has been placed on "water and associated ecosystems" since 2002 as a principal priority within UNESCO's Major Programme II (Natural Sciences) is of particular significance.
4. Integrated water resources management, in particular concerning global change, proposed in the strategic plan for the seventh phase of the International Hydrological Programme for 2008-2013 (IHP-VII), approved by the IHP Intergovernmental Council, includes a theme on adapting to the impacts of global changes on river basins and aquifer systems (IHP/IC-XVIII/Inf.12 Action 11).
5. The 18th session of the IHP Intergovernmental Council (Paris, 9-13 June 2008) considered a proposal for the establishment of the International Centre of Water Resources and Global Change in the Federal Republic of Germany, which had been endorsed by an out-of-session approval of the IHP Bureau (April 2008), and adopted Resolution XVIII-3 (Annex I), by which, considering the establishment of the proposed Centre as an important contribution to achieving the goals of IHP, it requested the Secretariat's assistance in preparing the documentation to be submitted to the governing bodies of UNESCO, and invited Member States and in particular the existing UNESCO network of centres and institutes which address relevant water issues, especially at the regional level, to actively support the proposed Centre and ensure cooperation with the existing regional centres. The proposal followed the criteria established by IHP's strategy for UNESCO category 1 and category 2 centres (177 EX/INF.9).
6. In April 2008, the Government of the Federal Republic of Germany formally submitted a detailed proposal for the establishment of an International Centre for Water Resources and Global Change, which would specialize and lend support in topics related to water resources management and global change and alleviation of poverty while preserving the environment through research,

education and training and by working on national and international water problems by seeking local solutions for global impacts.

7. Following a request from the Government of the Federal Republic of Germany, a UNESCO mission was undertaken to the Federal Republic of Germany in October 2008 by the Chief of the Hydrological Processes and Climate Section, to consider the feasibility of the proposed International Centre. The main findings were as follows:

- (a) There was ample access to authorities, research institutes, universities and governmental departments of the Federal Republic of Germany, including a meeting with the Director of the Federal Institute of Hydrology and the State Minister for Foreign Affairs. In all meetings the support for the International Centre for Water Resources and Global Change under the auspices of UNESCO was evident.
- (b) The commitment of the Government of the Federal Republic of Germany is clearly reflected by the actions already performed and measures taken, including the designation of adequate facilities with budgeted expansion of the existing ones, suitable to accommodate the Centre.
- (c) There are good conditions to appropriately support the proposed Centre. Namely, the Government of the Federal Republic of Germany has:
 - (i) already set up a structure for the proposed Centre which has a staff of five permanent research staff, a media designer, further office staff and a translator as well as various Ph.D and postdoctoral positions;
 - (ii) assigned funds to support e-learning, print media, web-based information systems and capacity-development workshops;
 - (iii) established partnerships with principal actors, e.g. the Universities of Koblenz, Bonn, Stuttgart, the United Nations University (UNU) and the United Nations Water Decade Programme on Capacity Development (UNW-DPC) office in Bonn.
- (d) The discussions with the German authorities resulted in a schedule with actions for the possible establishment of the Centre under the auspices of UNESCO, including the submission of the Centre proposal to the Executive Board of UNESCO at its 181st session and to the 35th session of the General Conference, and signing of the agreement and the possible formal opening of the Centre in 2010.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

Overview of the proposal

8. The proposal made by the Government of the Federal Republic of Germany follows closely the requirements specified in document 33 C/19 on the principles and guidelines for the establishment and functioning of UNESCO Institutes and Centres. The contribution of the Government of the Federal Republic of Germany will be provided to the Centre, as an independent legal entity.

9. The Centre is conceived as “an organization acting as coordinator/articulator” for scientific and technological actions directed towards the sustainable management of water resources and global change by strengthening regional and international cooperation in the framework of UNESCO-IHP themes on developing and communicating adaptation strategies to global change. Hence the Centre will support the topics suggested by Member States in the IHP-VII Intergovernmental Programme. Some of the most salient aspects of the proposal are the following:

- (a) Objectives and functions:
- (i) the functions of the Centre focus on sustainable development and integrated water resources management through the operation of a global hydrological database, the support of hydrological research, education, training and awareness-raising at all levels, the development of tools for operational purposes, the international networking of scientists and the transfer of information and knowledge;
 - (ii) to facilitate the development of inter-institutional and multinational research to support and contribute to the strengthening of the existing scientific institutions. The Centre offers the unique opportunity to analyse measured hydrological regimes and evaluate the observations statistically;
 - (iii) serve as an extensive regional database (of hydrological data, state-of-the-art knowledge, list of scientists, etc.) in order to transfer knowledge and information to other countries and regions;
 - (iv) facilitate the development of inter-institutional and multinational research and educational activities that support and contribute to the strengthening of the existing scientific and academic institutions of the region;
 - (v) capacity development will encompass guidance on data acquisition and data handling, data quality control and data storage. In addition to these new activities, the Centre will host the various workshops and conferences organized by the German IHP/HWRP (International Hydrological Programme of UNESCO/Hydrology and Water Resources Programme of WMO) National Committee. This will strengthen HELP (Hydrology for the Environment, Life and Policy) and FRIEND (Flow Regimes from International Experimental and Network Data) as well as various focal areas in IHP-VII and will help in achieving the Millennium Development Goals.
- (b) Structure and legal status: The Centre will be an independent legal entity and will be allowed to receive the financial, administrative and/or technical support provided by national and international institutions. The structure of the Centre is defined by the Draft Agreement (Annex II) and will involve:
- (i) Governing Board: a body in charge of supervising the Centre's financial and thematic activities. The composition is defined in Article 8, paragraph 1 of the Draft Agreement in accordance with the guidelines specified in document 33 C/19.
 - (ii) Secretariat: a body in charge of executing the activities of the Centre under the authority of a director appointed by the Governing Board, in agreement with the Director-General.
 - (iii) The Centre shall enjoy, on the territory of Germany, the personality and legal capacity necessary for the exercise of its functions. To ensure this, the legal form of the Centre would correspond to the form of a registered non-profit making association under German law. This implicates the status of an independent legal entity with the full rights to contract and hire as well as to freely define the matter of its actions.
- (c) Financial matters: The Government of the Federal Republic of Germany will take the necessary measures to ensure that the Centre receives all the financial resources needed for its functioning. The Government of the Federal Republic of Germany will support the costs of the facilities, including equipment, utilities, communications,

secretariat staff, and the organizational costs of sessions of the Governing Board, among other costs that may be needed for the operation of the Centre. In regard to research, training and publications, the Government of the Federal Republic of Germany considers that the support of UNESCO will be needed, via the approved relevant activities that could be implemented by the Centre, being understood that UNESCO may only contribute financially to specific activities and projects of the Centre if they are in line with UNESCO's programme priorities and if such contribution is provided for in its Programme and Budget. Furthermore, the Government of the Federal Republic of Germany may require the support of UNESCO in securing additional resources from UNESCO Member States and other regional and international organizations. UNESCO will not, however, provide financial support for administrative or institutional purposes.

- (d) Areas of cooperation with UNESCO: The proposal specifies the types of assistance required:
 - (i) Support for the implementation of relevant international activities foreseen in UNESCO's programme and budget documents;
 - (ii) Facilitating the linkage to relevant regional and international organizations, NGOs and UNESCO Member States.
- (e) The activities of the Theme 1 of IHP-VII coincide with many of the activities of the proposed Centre for Water Resources Management and Global Change. Thus the Centre will be a timely and useful facility for the implementation of many activities corresponding to the objectives of Theme 1. The Centre could also serve to promote and transfer applicable traditional water technology in cooperation with other countries and the centres established under the auspices of UNESCO. These centres include, for example, the Regional Centre on Arid Zone Hydrology (Cairo, Egypt), the Regional Water Centre for Arid and Semi-Arid Regions of Latin America and the Caribbean (La Serena, Chile), the International Centre for Water Hazard and Risk Management (Tsukuba, Japan), and the International Research and Training Centre on Sedimentation and Erosion (Beijing, China), the UNESCO-IHE Institute of Water Education, IGRAC (International Groundwater Resources Assessment Centre), the European Regional Centre for Ecohydrology under the auspices of UNESCO, and the Centre for Water Law, Policy and Science (Dundee, United Kingdom). The Centre may also cooperate with other relevant programmes in UNESCO, particularly those related to Major Programme III and the World Heritage Centre.
- (f) The Centre will be located adjacent to the Federal Institute of Hydrology, Koblenz, Germany. The location has excellent facilities, with financial support of approximately US \$1 million per year directly from the Ministry of Transportation, the Ministry of the Environment and the Foreign Ministry. The adjacency to the Federal Institute of Hydrology supports the Centre in providing certification of qualifications and meeting associated compliance requirements.

10. Relationship between the activities of the Centre and UNESCO's objectives and programmes:

- (a) UNESCO's involvement at the forefront of freshwater science, education and training for the benefit of the Member States represents a long-term commitment. Since 1975 UNESCO has provided the Secretariat of IHP, which is the only global intergovernmental scientific and educational programme on water resources within the United Nations system.

- (b) During the previous Medium-Term Strategy (2002-2007) “water resources and related ecosystems” was the principal priority of the Natural Sciences Sector. For the following Medium-Term Strategy for 2008-2013, Strategic Programme Objective 3 “Leveraging scientific knowledge for sustainable development and management of natural resources” is being proposed and the capabilities and functions of the proposed Centre fall squarely within this objective. Likewise, the Strategic Plan for the seventh phase of IHP (2008-2013) has included a specific theme on “adapting to the impacts of global changes on river basins and aquifer systems”. The achievement of the Millennium Development Goals is an integral part of the overall concept both of UNESCO’s objectives and of the plan of the current IHP phase.

The creation of an international centre focusing on water resources research and global change in Germany thus complies with the objectives set and with the foreseen programmes of UNESCO in fresh water for the coming biennium and the medium term. It has been agreed that the Government of the Federal Republic of Germany will ensure that the Centre is in line with the guiding principles of the “Strategy for UNESCO’s Category 1 and 2 Water-Related Centres”, as approved by the Intergovernmental Council of IHP (177 EX/INF.9).

11. Regional and international impact of the Centre:

- (a) Coverage: Geographically, the activities of the Centre relate to all countries sharing concerns on water resources management and global change and alleviation of poverty while preserving the environment through research, education and training using the hydrological systems integrated water resources management approach in the context of global change.
- (b) Potential impact: the Centre will create new momentum in the development of scientific activities, focused to study, develop and evaluate the implications of global change on the status of the world’s water resources (see para. 2).
- (c) Technical cooperation: Technical cooperation with other established UNESCO-related centres and networks, such as the UNESCO-IHE Institute for Water Education and others, can foster useful knowledge and capacity-building. Other relevant international and regional organizations and scientific NGOs can be linked through UNESCO.

12. Results expected from UNESCO’s contribution:

- (a) Role of the Centre in connection with the implementation of the Organization’s programme: As pointed out in the introduction to this document, the Centre fits well with UNESCO’s objectives in general and with those of the freshwater programme in particular. The Centre can be an effective means of carrying out water activities specified in the IHP-VII plan, particularly for water resources management and global change, with practical applications in developing countries. The current technical and scientific expertise in the field in Germany, as assessed by the UNESCO staff mission, and the commitment demonstrated by the Government of the Federal Republic of Germany provides a solid base for the launching of a Centre in the Federal Republic of Germany. The Centre can also cooperate in training matters with the UNESCO-IHE Institute for Water Education in Delft, the Netherlands.
- (b) Potential impact of UNESCO’s contribution on the Centre’s activities. The assistance of UNESCO is necessary to the Centre from a double standpoint:
 - (i) The catalytic function of UNESCO during the establishment and initial operation of the Centre, by lending the technical and organizational expertise, will contribute to the scientific excellence and good functioning of the Centre;

- (ii) UNESCO's role as a bridge to other countries, international organizations and relevant NGOs sharing water issues for water resources and global change is essential for a successful exposure of the Centre and will contribute to the inter- and intra-regional relevance of the Centre. It is unlikely that other international organizations would be able to provide a similar range of support, in order to maximize the viability of the Centre. In particular, UNESCO has an international freshwater scientific programme with a wide network, guidelines and vast experience on the establishment of regional centres, the required moral authority, and the convening power to make a difference in the international scene. Likewise, there would be net gain for the implementation of UNESCO's programmes in the region with respect to water management for food security at both regional and international levels.

Financial and administrative implications

13. UNESCO had budgeted in document 34 C/5 for the mission and consulting costs necessary in conjunction with the feasibility study, although the cost of the main mission for the feasibility study of the proposed Centre was covered by the Government of the Federal Republic of Germany. Future foreseen administrative costs directly linked to the operation of the Centre once it is established, foreseen to start in the 2010-2011 biennium, will correspond mainly to: (1) liaising with the Centre and coordinating with the network of UNESCO water-related centres in accordance with the IHP strategy for category 1 and category 2 water-related centres; and (2) attending the Governing Board meetings of the Centre by the UNESCO representative. The relatively minor incremental costs of this involvement, which are integral parts of UNESCO's Medium-Term Strategy for 2008-2013 and the seventh phase of IHP, will be more than offset by the fact that the Centre will be actively involved in the execution of the freshwater programmes of UNESCO with substantial contribution by the government of the Federal Republic of Germany (see paragraph 9(f)). The Centre will significantly expand UNESCO's implementation capabilities.

14. Risks: The risks that UNESCO would incur in the establishment of the Centre would be low, in view of the official support it is and will be receiving from the Government of the Federal Republic of Germany, and the direct linkage between the Centre's activities and UNESCO's goals, as highlighted next.

15. Summary of the feasibility study concerning the proposal submitted:

- (a) The establishment of the Centre is fully in line with UNESCO's objectives and programmes and thus the Centre would contribute to the execution of the freshwater programme of UNESCO, while UNESCO's aegis is necessary for the Centre's international standing and development.
- (b) The strong support shown by the Government of the Federal Republic of Germany for the creation of the Centre is a favourable precondition, as is the commitment by the Government to meet the running and staffing needs of the Centre and to confer the necessary legal personality to conduct business.
- (c) Water resources and global change is included in the Strategic Plan of IHP-VII (2008-2013), as endorsed in principle by the IHP Intergovernmental Council at its 18th session.
- (d) The proposed institutional structure of the Centre is compatible with the guidelines of document 33 C/19, including the composition and functions of the Governing Board and the Secretariat. Its character as advisory and coordinating body will allow it to use the scientific and technical resources available in the Federal Republic of Germany and elsewhere.

- (e) UNESCO-IHP foresees being able to associate the Centre with some of the relevant activities of its programme for the biennium 2010-2011, achieving a double effect: supporting the start-up period of the Centre while having the Centre contribute to the execution of IHP's biennial programme.
- (f) The risks that UNESCO would incur in the establishment of the Centre would be low, due primarily to the strong support of the Federal Republic of Germany in providing an appropriate infrastructure, facilities and highly specialized personnel.

The points cited above indicate that the viability of the proposed International Centre for Water Resources and Global Change in the Federal Republic of Germany under the auspices of UNESCO is high and that UNESCO's governing bodies should give it due consideration.

16. With regard to all legal, managerial and administrative aspects of the proposed Centre, a Draft Agreement is attached (Annex II) that addresses these issues. This Draft Agreement on the proposed International Centre for Water Resources and Global Change, under the auspices of UNESCO has been elaborated through a process of consultation between the authorities of the Federal Republic of Germany and the UNESCO Secretariat.

17. The Director-General welcomes the proposed establishment of the International Centre for Water Resources and Global Change in the Federal Republic of Germany. He recognizes that the Federal Institute of Hydrology is able to provide the required facilities to the proposed Centre for training and research and the centre will result in important benefits to Member States and to institutions and professionals working in water resources and global change. Furthermore, it would be in line with the strategy for institutes and centres under the auspices of UNESCO as presented in document 33 C/19.

Action expected of the Executive Board

18. In the light of the above report, the Executive Board may wish to consider a decision along the following lines:

The Executive Board,

1. Recalling 33 C/Resolution 90 and IHP-IC Resolution XVIII-3 adopted at the 18th session of the Intergovernmental Council of the International Hydrological Programme (IHP) in June 2008,
2. Having examined document 181 EX/17 Part II and its annexes,
3. Welcomes the proposal of the Government of the Federal Republic of Germany to establish the International Centre for Water Resources and Global Change in the Federal Republic of Germany, under the auspices of UNESCO, which is in line with the existing principles and guidelines for institutes and centres as outlined in document 33 C/19 approved by the General Conference by 33 C/Resolution 90;
4. Recommends that the General Conference at its 35th session approve the establishment of the International Centre for Water Resources and Global Change in the Federal Republic of Germany, under the auspices of UNESCO, and that it authorize the Director-General to sign the Agreement between UNESCO and the Government of the Federal Republic of Germany contained in Annex II to document 181 EX/17 Part II.

ANNEX I

RESOLUTION XVIII-3

ENDORSEMENT OF THE PROPOSALS FOR THE ESTABLISHMENT OF WATER-RELATED CENTRES UNDER THE AUSPICES OF UNESCO (CATEGORY 2)

The Intergovernmental Council of the International Hydrological Programme of UNESCO,

- Noting** the critical importance of freshwater issues at the global and regional levels for the achievement of the Millennium Development Goals and the sustainability of water resources in face of the mounting global changes,
- Considering** UNESCO's fundamental role in enhancing international cooperation in the sciences and expanding the knowledge base in the field of fresh water through IHP and through the growing network of category 1 and category 2 water-related centres that provides UNESCO with an increasing capability in this area,
- Noting with appreciation** the willingness of the Governments of Brazil, Dominican Republic, Germany, Kazakhstan, Portugal, Turkey and the United States of America to undertake the establishment of category 2 water-related centres, significantly enhancing thematically and geographically the existing network of centres,
- Recognizing** the valuable services that the centres will render to Member States and stakeholders throughout the globe and the valuable contribution that they will provide to the implementation of IHP-VII,
- After due consideration of the individual proposals, endorses with deep satisfaction** the proposals for the establishment of:
- the Regional Centre of International Training and Research on Sediment, Isotope and Erosion Techniques (Turkey);
 - HIDROEX Centre for Higher and Community Education in Water (provisional title) (Brazil);
 - the Central Asian Regional Glaciological Centre (Republic of Kazakhstan);
 - the Centre for the Sustainable Management of Water Resources in the Caribbean Island States (Dominican Republic);
 - the International Centre for Integrated Water Resources Management (ICIWaRM) (United States);
 - the International Centre of Water Resources and Global Change (Germany); and
 - the International Centre on Coastal Ecohydrology (Portugal);

Requests

the Secretariat, in collaboration with the host Member States, to conduct feasibility studies and to prepare the necessary documentation to be submitted to the governing bodies of UNESCO towards the creation of the centres, in conformity with the IHP strategy for category 1 and category 2 water-related centres, document 33 C/19 and 33 C/Resolution 90 on guidelines and principles for UNESCO category 1 and category 2 institutes and centres;

Invites

the IHP National Committees to support the establishment and functioning of the centres;

Invites

the Member States, the IHP National Committees and in particular the existing UNESCO network of centres and institutes that address relevant water issues, at the regional and at the international levels, to actively support the proposed centres and ensure cooperation and collaboration in the common endeavours for the benefit of all.

ANNEX II

DRAFT AGREEMENT BETWEEN

**THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION (UNESCO)**

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

**CONCERNING THE ESTABLISHMENT AND OPERATION OF AN
INTERNATIONAL CENTRE OF WATER RESOURCES AND GLOBAL CHANGE
IN THE FEDERAL REPUBLIC OF GERMANY AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

The Government of the Federal Republic of Germany

and

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

Having regard to resolution XVIII-3 of the UNESCO Intergovernmental Council of the International Hydrological Programme (IHP) in June 2008 welcoming the proposal to establish the International Centre for Water Resources and Global Change (hereinafter referred to as the "Centre") in the Federal Republic of Germany, under the auspices of UNESCO,

Considering that the Director-General has been authorized by the General Conference (Resolution 35 C/...) to conclude with the Government of the Federal Republic of Germany an agreement in conformity with the draft that was submitted to the General Conference,

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

HAVE AGREED AS FOLLOWS:

Article 1 – Interpretation

1. In this Agreement, "UNESCO" refers to the United Nations Educational, Scientific and Cultural Organization.
2. "Government" means the Government of The Federal Republic of Germany.
3. "Centre" means International Centre for Water Resources and Global Change.

Article 2 – Establishment

The Government shall agree to take, in the course of the year 2010, any measures that may be required for the setting up as provided for under this Agreement, of the International Centre for Water Resources and Global Change, hereinafter referred to as "the Centre".

Article 3 – Participation

1. The Centre shall be established as an autonomous, independent legal entity at the service of Member States and Associate Members of UNESCO which, 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 to the Centre notification to this effect. The Director of the Centre shall inform other interested Member States and UNESCO of the receipt of such notifications.

Article 4 – Purpose of the Agreement

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

Article 5 – Juridical personality

The Centre shall enjoy on the territory of the Federal Republic of Germany 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 6 – Constitutive Act

The constitutive act of the Centre must include provisions concerning:

- (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 acquire all means necessary for its functioning;
- (b) a governing structure for the Centre allowing UNESCO representation within its governing body.

Article 7 – Functions/objectives

The functions/objectives of the Centre shall be to:

- (a) emphasize the pursuit of sustainable development and integrated water-resources management, especially in the light of global change through the development of scientific research, adaptation strategies, education, training and awareness-raising at all levels, the development of appropriate policies and practices, the international networking of scientists and the transfer of information and knowledge.
- (b) implement studies and research related to sustainable water resources development in the context of global change, considering the full range of its facets, to improve prospects for poverty reduction and achieving the Millennium Development Goals. This proposal relies on UNESCO's water programme to integrate measurement, generalize process understanding and model climate variability and change to enhance sustainable development using an eco-hydrology approach in the watershed context. The proposed Centre will investigate transnational water resources development strategies, adaptation strategies, the implications global change brings about in developed and developing societies;
- (c) disseminate results of the research undertaken through seminars, workshops, training courses, conferences and periodic publications and e-learning;
- (d) through its close cooperation with the Global Runoff Data Centre and the Global Precipitation Data Centre, serve as an extensive global database (of hydrological data,

state-of-the-art knowledge, list of scientists) in order to transfer knowledge and information to other countries and regions;

- (e) facilitate the development of inter-institutional and multinational research and educational activities that support and contribute to the strengthening of the existing scientific and academic institutions of the region.

Article 8 – Governing Board

1. The Centre shall be guided and supervised by a Governing Board composed of:
 - (a) a representative of the German Government;
 - (b) up to four representatives of Member States which have sent to the Centre notification for membership, in accordance with the stipulations of Article 3, paragraph 2, above and have expressed interest in being represented on the Board in order to ensure, as far as possible, equitable geographical representation;
 - (c) a representative of the Director-General of UNESCO;
 - (d) two representatives of the German National Committee for UNESCO-IHP.
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 convened by its Chairperson, or at the request of the Director-General of UNESCO, or of 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 9 – 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 determines, such powers as it deems necessary.

Article 10 – 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. The Director-General of UNESCO may be consulted on the choice of the candidate.

3. The other members of the Secretariat may comprise:
 - (a) members of UNESCO's staff who are temporarily seconded 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 are made available to the Centre, as provided by Government regulations.

Article 11 – Duties of the Director

The Director shall discharge the following duties:

- (a) direct the work of the 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 or she may deem useful for the administration of the Centre;
- (d) prepare reports on the Centre's activities to be submitted to the Governing Board and UNESCO;
- (e) represent the Centre in law and in all civil acts.

Article 12 – Contribution of UNESCO

1. UNESCO may provide assistance, as appropriate, in the form of a technical assistance for the programme activities of the Centre, in accordance with the strategic goals and objectives of UNESCO.
2. If appropriate, UNESCO undertakes to:
 - (a) provide the assistance of its experts in the specialized fields of the Centre;
 - (b) second members of its staff temporarily, as may be decided by the Director-General on an exceptional basis if justified by the implementation of a joint activity/project within a strategic programme priority area, as approved by UNESCO's governing bodies.
3. In all the cases listed above, such assistance shall not be undertaken except within the provisions of UNESCO's programme and budget.

Article 13 – Contribution of the Government

1. The Government shall provide all the resources, either financial or in kind, needed for the administration and proper functioning of the Centre.
2. The Government undertakes to:
 - (a) make available to the Centre the salaries and compensations of the Secretariat staff, including the Director, and make available to the Centre the necessary staff and provide the Centre with appropriate office space, equipment and facilities;

- (b) entirely assume the maintenance of the premises; and cover the communication, utilities plus the expenses of holding the sessions of the Governing Board;
- (c) make available to the Centre the administrative staff necessary for the performance of its functions, which shall comprise the implementation of studies, training and publication activities, complementing the contributions from other sources.

Article 14 – 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 15 – Evaluation

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in order to ascertain:
 - (a) whether the Centre makes a significant contribution to the strategic goals of UNESCO;
 - (b) whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.
2. UNESCO undertakes to submit to the Government, at the earliest convenience, a report on any evaluation conducted.
3. Following the results of an evaluation, each of the contracting parties shall have the option of requesting a revision of its contents or of denouncing the Agreement.

Article 16 – 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 17 – Entry into force

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

Article 18 – Duration

This Agreement is concluded for a period of six years as from its entry into force and may be tacitly renewed.

Article 19 – Denunciation

1. Each of the contracting parties shall be entitled to denounce the Agreement unilaterally.
2. The denunciation shall take effect within 30 days following receipt of the notification sent by one of the contracting Parties to the other.

Article 20 – Revision

This Agreement may be revised by consent between the Government and UNESCO.

Article 21 – 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 a representative of the Government of the Federal Republic of Germany, 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 two copies in the English language, on ...

.....
For the United Nations Educational,
Scientific and Cultural Organization

.....
For the Government of
The Federal Republic of Germany



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-first session

181 EX/17

Part III

PARIS, 27 March 2009

Original: English

Item 17 of the provisional agenda

REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES UNDER THE AUSPICES OF UNESCO

PART III

PROPOSAL FOR THE ESTABLISHMENT OF AN INTERNATIONAL CENTRE ON COASTAL ECOHYDROLOGY, IN PORTUGAL, AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

SUMMARY

Following a proposal by the Government of the Portuguese Republic to establish an IHP International Centre on Coastal Ecohydrology under the auspices of UNESCO, in Portugal, the 18th session of the Intergovernmental Council of the International Hydrological Programme (IHP) adopted IHP-IC Resolution XVIII-3 in June 2008 welcoming the establishment of the Centre. A UNESCO mission, hosted by the Portuguese Government and the University of Algarve, was undertaken in the Portuguese Republic in December 2008 in order to assess the feasibility of establishing the proposed Centre.

This document contains the feasibility study for the proposed Centre, supplemented by annexes containing Resolution XVIII-3 of the IHP Intergovernmental Council and the proposed draft agreement between UNESCO and the Government of the Portuguese Republic concerning the Centre. The evaluation of the Centre was done in conformity with document 33 C/19 relating to the principles and guidelines for the establishment and functioning of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2), as approved by the General Conference in 33 C/Resolution 90.

Financial and administrative implications are covered in paragraph 9(b) and (c).

Action expected of the Executive Board: proposed decision in paragraph 18.

INTRODUCTION

1. The Government of the Portuguese Republic has proposed the establishment in Faro (Portugal) of the International Centre on Coastal Ecohydrology (ICCE), as a category 2 centre under the auspices of UNESCO. This document outlines the background, scope, feasibility and foreseeable implications of the creation of the proposed Centre, especially with regard to benefits to Member States and the Centre's relevance to UNESCO's programmes. In accordance with document 33 C/19, as approved by 33 C/Resolution 90 of the General Conference, concerning the establishment of international or regional category 2 centres, a decision from the Executive Board will be sought to continue the process to establish the Centre under the auspices of UNESCO. The draft agreement which has been negotiated between UNESCO and the Government of the Portuguese Republic is presented in Annex II of this document.

2. Currently more than half the world's population lives within 100 km of the coast; by 2025 it is estimated that 75% of the world's population, or 6.3 billion people, will live in the coastal zone, concentrated in coastal megacities. Human pressure on coastal areas is already extremely high. Eighty per cent of marine pollution comes from land-based sources and, in the developing world, more than 90% of sewage and 70% of industrial wastes are dumped untreated into surface waters where they pollute water supplies and coastal waters. Dealing with anthropogenic impacts on coastal ecosystems under the variability predicted by climate change scenarios requires an integrated approach to enhance the carrying capacity and resilience of ecosystems, as a basis to support positive socio-economic development. The ecohydrology approach involves engineering-based tools that integrate basin-wide human activities, changes in the hydrological cycle and climate change (sea level rise and coastal erosion), in order to sustain, improve and restore ecological functions and services in coastal areas. The Centre proposed by the Portuguese Republic will establish a link between freshwater and coastal waters, still not addressed by other UNESCO centres, promoting the development of ecohydrology-based solutions addressing anthropogenic impacts and climate change scenarios and dynamics at both regional and international levels.

3. The Millennium Development Goals (MDGs), in particular the reduction of hunger, require that Member States address water resources management and global change with utmost urgency. In this context, the emphasis that has been placed on "water and associated ecosystems" since 2002 as a principal priority within UNESCO's Major Programme II (Natural sciences) is of particular significance.

4. The ecohydrology concept was developed and defined within the framework of the strategic plans for the fifth and sixth phases of the International Hydrological Programme (IHP-V: 1996-2001 and IHP-VI: 2002-2007, respectively). Theme 2 of IHP-V, "Ecohydrological processes in the surficial environment", focused on developing an integrated approach to manage land and water. Following up on this, theme 3 of IHP-VI, "Land habitat hydrology", further develops ecohydrology as an interdisciplinary approach at the landform/land use scale. Furthermore, one of the proposed themes in the strategic plan for the seventh phase of IHP (IHP-VII: 2008-2013), "Ecohydrology and environmental sustainability", aims to "incorporate environmental sustainability at the landscape level by improving our understanding of water-landscape level management of the environment, taking fully into account the interactions among ecosystems and their surrounding habitats".

5. The 18th session of the IHP Intergovernmental Council (Paris, 9-13 June 2008) considered a proposal for the establishment of the International Centre on Coastal Ecohydrology (ICCE), as a category 2 centre under the auspices of UNESCO, at Faro (Portugal), which had been endorsed by an out-of-session approval of the IHP Bureau (April 2008), and adopted Resolution XVIII-3 (Annex I), by which, considering the establishment of the proposed centre as an important contribution to achieving the goals of IHP, it requested the Secretariat's assistance in preparing the documentation to be submitted to the governing bodies of UNESCO, and invited Member States and in particular the existing UNESCO network of centres and institutes which address relevant water issues, especially at the regional level, to actively support the proposed centre and ensure

cooperation with the existing regional centres. The proposal followed the criteria established by IHP's strategy for UNESCO category 1 and category 2 centres (177 EX/INF.9).

6. In April 2008, the Government of the Portuguese Republic formally submitted a detailed proposal following the documents, 33 C/19 "Principles and guidelines for the establishment and functioning of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2)", as approved by resolution 33 C/Resolution 90, and 177 EX/INF.9 "Strategy for UNESCO's category 1 and category 2 water-related centres adopted by the International Hydrological Programme". The proposed "International Centre on Coastal Ecohydrology (ICCE) under the auspices of UNESCO" aims to contribute with scientific knowledge, capacity-building, educational and dissemination activities to support, design and implement adaptation and mitigation strategies and policies for coastal zones, including the impacts of climate change, addressing the goals of the Strategic Plan of the 7th Phase of IHP, the MDGs (as water cuts across all eight MDGs) and the key themes for the Decade of Education for Sustainable Development (UN DESD) (climate change).

7. Following a request from the Government of the Portuguese Republic, a UNESCO mission was undertaken to Portugal in December 2008 by the Chief of the Sustainable Water Resources Development Section and an internationally recognized consultant to consider the feasibility of the proposed International Centre. The main findings were as follows:

- (a) There was ample access to authorities, research institutes, universities and governmental departments of the Portuguese Republic, including the first meeting held at Lisbon with authorities of the Portuguese Government, the second one held at the University of Algarve with academic authorities, municipal authorities, potential ICCE members, and local stakeholders (water companies, local government officers, others); and the last one, at Castro Marim Nature Reserve (Vila Real Sto António) and UNESCO ecohydrology demonstration project at the outlet of Guadiana River basin. In all meetings the support for the ICCE under the auspices of UNESCO was evident.
- (b) The commitment of the Portuguese Government is clearly reflected by the actions already performed and measures taken, including the designation of adequate facilities with budgeted expansion of the existing ones, suitable to accommodate the Centre.
- (c) *The International Centre on Coastal Ecohydrology is being established by the Portuguese Government as a "private not-for-profit agreement" organization to ensure that ICCE shall enjoy autonomous legal status under the Portuguese legislation, granting the 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.*
- (d) There are good conditions to appropriately support the proposed Centre. Namely, the Portuguese Government has:
 - (i) already set up a structure for the proposed centre which has a designated director, permanent research staff, office support staff and as well as various Ph.D. and post-doctoral positions;
 - (ii) provided buildings in Faro and Olhão, the financial support and commitment to hire the centre services from Águas do Algarve, Sociedade Polis, Administration of the Hydrographic Region and Municipality of Vila Real de Santo António, and support from the different ministries.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

Overview of the proposal

8. The ICCE proposal presented by the Portuguese Government has endeavoured to address in detail the requirements specified in document 33 C/19 “Principles and guidelines for the establishment and functioning of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2)”, as well as the criteria of the “Strategy for UNESCO’s category 1 and 2 Water-Related Centres”, as approved by the Intergovernmental Council of IHP (177 EX/INF.9).

9. Some of the most salient aspects of the proposal are the following:

(a) Objectives and functions:

- (i) the proposed “International Centre on Coastal Ecohydrology and Climate Change, under the auspices of UNESCO” aims to contribute with scientific knowledge, capacity-building, educational and dissemination activities to support, design and implement adaptation and mitigation strategies and policies for coastal zones, including the impacts of climate change, addressing the goals of the Strategic Plan of the 7th Phase of IHP, the MDGs (as water cuts across all the eight MDGs) and the key themes for the UN DESD (climate change);
- (ii) to constitute a facilitator and synergetic structure providing the articulation of the different scientific and institutional stakeholders at local, regional, national and international levels, for the development of solutions for coastal ecosystems under anthropogenic and climate change scenarios, particularly:
 - (a) develop experimental and theoretical scientific research on coastal ecohydrology;
 - (b) develop international advanced study and training courses;
 - (c) promote societal awareness related to coastal aquatic ecosystems management and conservation;
 - (d) disseminate the coastal ecohydrology approach through organization of workshops and conferences in different regions;
 - (e) provide scientific and technical support for the establishment of other regional centres on coastal ecohydrology;
 - (f) contribute to the implementation of UNESCO programmes and objectives;
 - (g) promote the creation of networks of scientists dealing with coastal ecohydrology issues;
 - (h) promote the exchange of students and scientists between different regions;
 - (i) participate in the UNESCO-IHP network as a focal point for coastal ecohydrology in the region and support IHP international activities;
 - (j) cooperate with government agencies, NGOs, public and private institutions, stakeholders and decision-makers for the effective implementation of coastal ecohydrology solutions;

- (b) Structure and legal status: The Centre shall enjoy an autonomous legal status “through a private not-for-profit agreement” under Portuguese legislation, granting the 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. The structure of the Centre is defined by the draft agreement (Annex II) and would involve:
- (i) Governing Board: The Governing Board of the Centre will be composed of: a representative of the Director-General of UNESCO; representatives of each of the Member States that send notification to the Director-General of UNESCO; the President of the Portuguese National Committee of the International Hydrological Programme or representative, representing the Government; up to four international recognized experts in the area of coastal ecohydrology and up to three representatives from category 2 centres related to ecohydrology. The Governing Board will have the powers needed for the performance of its functions, including approval of the mid- and long-term programmes and the annual reports of the Centre. *The set-up and attributes follow the guidelines specified in document 33 C/19;*
 - (ii) Secretariat: The Centre’s Secretariat shall consist of a Director and such staff as is necessary for the proper functioning of the Centre. The Director shall be appointed by the Chairperson of the Governing Board, in consultation with the Director-General of UNESCO;
 - (iii) The Centre shall enjoy, on the territory of the Portuguese Republic, the personality and legal capacity necessary for the exercise of its functions;
- (c) Financial matters: The Portuguese Government will take the necessary measures to ensure that the Centre receives all the financial resources needed for its functioning. The Portuguese Government will support the costs of the facilities, including equipment, utilities, communications, secretariat staff, and the organizational costs of sessions of the Governing Board, among other costs that may be needed for the operation of the Centre. In regard to research, training and publications, the Portuguese Republic considers that the support of UNESCO will be needed, via the approved relevant activities that could be implemented by the Centre, being understood that UNESCO may only contribute financially to specific activities and projects of the Centre if they are in line with UNESCO’s programme priorities and if such contribution is provided for in its programme and budget. Furthermore, the Portuguese Government may require the support of UNESCO in securing additional resources from UNESCO Member States and other regional and international organizations. UNESCO will not, however, provide financial support for administrative or institutional purposes;
- (d) Areas of cooperation with UNESCO: The proposal specifies the types of assistance required:
- (i) support for the implementation of relevant international activities foreseen in UNESCO’s programme and budget documents;
 - (ii) facilitating the linkage to relevant regional and international organizations, NGOs and UNESCO Member States;
- (e) The programme strategies and activities proposed for the UNESCO International Centre of Coastal Ecohydrology will contribute to the execution of the strategic plan for the seventh phase of UNESCO-IHP (IHP-VII: 2008-2013), “Water Dependencies: Systems under stress and societal response”. The proposed programme is especially

intended to develop capacity-building and training, as well as education and social awareness, complying with the strategic programme and objectives of UNESCO. Implementing quality education on issues related to water dependencies and mobilizing scientific knowledge and policy for sustainable development will contribute to the eradication of poverty in coastal areas. The long-term sustainability resulting from this approach will ensure the adequate environmental conditions for the benefit of several societal uses and services of coastal areas and meets the objectives of Theme 5: “Water education for sustainable development”. The Centre will cooperate with other UNESCO centres. Synergetic cooperation with UNESCO-IHE Institute for Water Science is expected for the preparation of courses and training events. Already existing or reinforced cooperation with centres in Poland (European Regional Centre for Ecohydrology – ERCE), Brazil (HIDROEX), Dominican Republic (Water Centre for sustainable water resources management in the small island states of the Caribbean – INDRHI), Egypt (Regional Centre for Training and Water Studies of Arid and Semiarid Zones – RCTWS), Japan (International Centre for Water Hazard and Risk Management – ICHARM), United Kingdom (Centre for Water Law, Policy and Science – IWLR), is also envisaged;

- (f) The Centre will be located in Faro (Portugal). The location has excellent facilities, and the Government has indicated it will provide €600,000 in financial support to the centre, including in-kind contributions, cash and assets.

10. Relationship between the activities of the Centre and UNESCO’s objectives and programmes:

- (a) UNESCO’s involvement at the forefront of freshwater science, education and training for the benefit of the Member States represents a long-term commitment. Since 1975 UNESCO has provided the Secretariat of IHP, which is the only global intergovernmental scientific and educational programme on water resources within the United Nations system;
- (b) During the previous medium-term (2002-2007) “water resources and related ecosystems” was the principal priority of the Natural Sciences Sector. For the current medium-term 2008-2013, Strategic Programme Objective 3 is “Leveraging scientific knowledge for the benefit of the environment and management of natural resources” and the capabilities and functions of the proposed centre fall squarely within this objective. Likewise, the Strategic Plan for the 7th Phase of IHP (2008-2013) has included a specific theme on “ecohydrology for sustainability”. The achievement of the MDGs is an integral part of the overall concept both of UNESCO’s objectives and of the plan of the current IHP phase.

The proposed programme for the Centre considers the establishment of guidelines and the implementation of stakeholder participation for establishing river flow regimes as the basis for compensating loss of biodiversity, freshwater and transitional water degradation caused by river damming, groundwater extraction and by climate change, thus addressing Theme 1 of the Strategic Plan of IHP-VII: “Adapting to the impacts of global changes on river basins and aquifer systems”. The proposed programme for the Centre also considers the improvement of transitional and coastal water quality and services by combining structural solutions with ecohydrology solutions for controlling water quality and quantity and eliminating eutrophication, toxic algal blooms and sustaining the productivity of coastal waters and associated fisheries, aquaculture and tourism, thus relating to Theme 3: “Ecohydrology for sustainability” of IHP-VII.

It has been agreed that the Portuguese Government will ensure that the Centre is in line with the guiding principles of the “Strategy for UNESCO’s Category 1 and 2 Water-Related Centres” (IHP/Bur-XL/8 rev.) as approved by the Intergovernmental Council of IHP in Resolution IHP/Council XVII-7.

11. Regional or international impact of the Centre:

- (a) Coverage: Geographically, the activities of the Centre are international in scope and relate to all countries concerned with coastal water resources management and global change.
- (b) Potential impact: the Centre will create new momentum in the development of scientific activities, focused to study, develop and evaluate the implications of global change on the status of the world's freshwater resources (see para 2).
- (c) Technical cooperation: Technical cooperation with other established UNESCO-related centres, e.g. European Regional Centre for Ecohydrology – ERCE and networks, such as UNESCO-IHE Institute for Water Education and others, can foster useful knowledge and capacity-building. Other relevant international and regional organizations and scientific NGOs can be linked through UNESCO. This will ensure the eventual complementarity and redundancy of a proposed centre with other category 2 entities or with other similar institutions created and operated by other United Nations system organizations.

12. Results expected from UNESCO's contribution:

- (a) The expected UNESCO contribution will be to foster the development of the Centre's international activities and facilitate the access of the Centre to programmes and extra-budgetary funding, by: (1) including the Centre in various programmes which it implements and in which the participation of the latter seems necessary to it, particularly assigning to the Centre the execution of activities within the framework of its regular biennial programmes and budgets, particularly those appropriate to reinforce its start-up period; and (2) facilitating the contacts with governmental and non-governmental financial entities, as well as with the Member States of UNESCO, to provide financial and technical assistance to the implementation of the Centre's international activities.
- (b) Potential impact of UNESCO's contribution on the Centre's activities. The assistance of UNESCO is necessary to the Centre for two reasons:
 - (i) the catalytic function of UNESCO during the establishment and initial operation of the Centre, by lending its technical and organizational expertise, will contribute to the scientific excellence and good functioning of the Centre;
 - (ii) UNESCO's role as a bridge to its Member States, international organizations and relevant NGOs sharing water issues for water resources and global change is essential for a successful exposure of the Centre and will contribute to the inter- and intra-regional relevance of the Centre. It is unlikely that other international organizations would be able to provide a similar range of support, in order to maximize the viability of the Centre. In particular, UNESCO has an international freshwater scientific programme with a wide network, and vast experience in the establishment of regional centres, the required moral authority, and the convening power to make a difference in the international scene.

13. Financial and administrative implications for UNESCO: No regular financial and administrative implications are foreseen for UNESCO. UNESCO may contribute financially on an ad hoc basis to international courses and conferences held by the Centre in different regions, when unequivocally contributing to achievement of UNESCO goals and objectives. Future foreseen administrative costs directly linked to the operation of the Centre once it is established, foreseen to start in the 2010-2011 biennium, will correspond mainly to (1) liaising with the Centre and coordinating with the network of UNESCO water-related centres in accordance with the IHP

strategy for category 1 and category 2 water-related centres; and (2) attendance of the Governing Board meetings of the Centre by the UNESCO representative. The relatively minor costs of this involvement, in line with UNESCO's Medium-Term Strategy (2008-2013) and the Seventh Phase of IHP, will be more than offset by the fact that the Centre will be actively involved in the execution of the freshwater programmes of UNESCO with substantial contribution of the Portuguese Government (see para 9(f)). The Centre will significantly expand UNESCO's implementation capabilities.

14. Risks: The risks that UNESCO would incur in the establishment of the Centre would be low, in view of the official support it is and will be receiving from the Portuguese Government, and the direct linkage between the Centre's activities and UNESCO's goals.

15. Summary evaluation of the proposal submitted:

- (a) the establishment of the Centre is fully in line with UNESCO's objectives and programmes and thus the Centre would contribute to the execution of the freshwater programme of UNESCO, while UNESCO's aegis is necessary for the Centre's international standing and development;
- (b) the strong support shown by the Portuguese Government for the creation of the Centre is a favourable precondition, as is the commitment by the Government to meet the running costs and staffing needs of the Centre and to confer the necessary legal personality to conduct business;
- (c) "ecohydrology for sustainability" is included in the strategic plan of IHP-VII (2008-2013), as endorsed in principle by the IHP Intergovernmental Council at its 18th session;
- (d) *the proposed institutional structure of the Centre is compatible with the guidelines of document 33 C/19, including the composition and functions of the Governing Board and the Secretariat.* Its character as an advisory and coordinating body will allow it to use the scientific and technical resources available in the Portuguese Republic and elsewhere;
- (e) UNESCO-IHP foresees being able to associate the Centre with some of the relevant activities of its programme for the biennium 2010-2011, achieving a double effect: supporting the start-up period of the Centre while having the Centre contribute to the execution of IHP's biennial programme;
- (f) the risks that UNESCO would incur in the establishment of the Centre would be low, due primarily to the strong support of the Portuguese Republic made in providing an appropriate infrastructure, facilities and highly specialized personnel.

The points cited above indicate that the viability of the proposed International Centre on Coastal Ecohydrology, at Faro (Portugal) under the auspices of UNESCO, is high and that UNESCO's governing bodies should give it due consideration.

16. With regard to all legal, managerial and administrative aspects of the proposed Centre, a draft agreement is attached (Annex II) that addresses these issues. This draft agreement on the proposed International Centre on Coastal Ecohydrology, under the auspices of UNESCO has been elaborated through a process of consultation between the Portuguese authorities and the UNESCO Secretariat.

17. The Director-General welcomes the proposed establishment of the International Centre on Coastal Ecohydrology, in Portugal, under the auspices of UNESCO. He recognizes that the Portuguese Government is able to provide the required facilities to the proposed Centre for training and research and that the centre will result in important benefits to Member States and to institutions and professionals working in coastal water resources and managing global change

impacts. *Furthermore, it would be in line with the strategy for institutes and centres under the auspices of UNESCO as presented in document 33 C/19.*

Action expected of the Executive Board

18. In the light of the above report, the Executive Board may wish to consider a decision along the following lines:

The Executive Board,

1. Recalling 33 C/Resolution 90 and IHP-IC Resolution XVIII-3 adopted at the 18th session of the Intergovernmental Council of the International Hydrological Programme (IHP) in June 2008,
2. Having examined document 181 EX/17 Part III and its Annexes,
3. Welcomes the proposal of the Government of the Portuguese Republic to establish the International Centre on Coastal Ecohydrology, in the Portuguese Republic, under the auspices of UNESCO, which is in line with the existing principles and guidelines for institutes and centres as outlined in document 33 C/19 approved by the General Conference by 33 C/Resolution 90;
4. Recommends to the General Conference at its 35th session to approve the establishment of the International Centre on Coastal Ecohydrology, in the Portuguese Republic, under the auspices of UNESCO, and to authorize the Director-General to sign the Agreement between UNESCO and the Government of the Portuguese Republic contained in Annex II to document 181 EX/17 Part III.

ANNEX I

Resolution XVIII-3

Endorsement of the proposals for the establishment of water-related centres under the auspices of UNESCO (category 2)

The Intergovernmental Council of the International Hydrological Programme of UNESCO,

- Noting** the critical importance of freshwater issues at the global and regional levels for the achievement of the Millennium Development Goals and the sustainability of water resources in face of the mounting global changes,
- Considering** UNESCO's fundamental role in enhancing international cooperation in the sciences and expanding the knowledge base in the field of fresh water through IHP and through the growing network of category 1 and category 2 water-related centres that provides UNESCO with an increasing capability in this area,
- Noting with appreciation** the willingness of the Governments of Brazil, Dominican Republic, Germany, Kazakhstan, Portugal, Turkey and the United States of America to undertake the establishment of category 2 water-related centres, significantly enhancing thematically and geographically the existing network of centres,
- Recognizing** the valuable services that the centres will render to Member States and stakeholders throughout the globe and the valuable contribution that they will provide to the implementation of IHP-VII,
- After due consideration of the individual proposals, endorses with deep satisfaction** the proposals for the establishment of:
- the regional centre of international training and research on sediment, isotope and erosion techniques (Turkey);
 - HidroEx centre for higher and community education in water (provisional title) (Brazil);
 - the Central Asian regional glaciological centre (Republic of Kazakhstan);
 - the centre for the sustainable management of water resources in the Caribbean island States (Dominican Republic);
 - the international centre for integrated water resources management (ICIWaRM) (United States);
 - the international centre of water resources and global change (Germany); and
 - the international centre on coastal ecohydrology (Portugal);
- Requests** the Secretariat, in collaboration with the host Member States, to conduct feasibility studies and to prepare the necessary documentation to be submitted to the governing bodies of UNESCO towards the creation of the centres, in conformity with the IHP strategy for category 1 and category 2 water-related centres, document 33 C/19 and 33 C/Resolution 90 on guidelines and principles for UNESCO category 1 and category 2 institutes and centres;

Invites

the IHP National Committees to support the establishment and functioning of the centres;

Invites

the Member States, the IHP National Committees and in particular the existing UNESCO network of centres and institutes that address relevant water issues, at the regional and at the international levels, to actively support the proposed centres and ensure cooperation and collaboration in the common endeavours for the benefit of all.

ANNEX II

DRAFT AGREEMENT BETWEEN

**THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**

AND

THE GOVERNMENT OF THE PORTUGUESE REPUBLIC

**CONCERNING THE ESTABLISHMENT AND OPERATION OF AN IHP INTERNATIONAL
CENTRE ON COASTAL ECOHYDROLOGY, IN PORTUGAL, AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

The Government of the Portuguese Republic

and

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

Having regard to resolution XVIII-3 of the UNESCO Intergovernmental Council of the International Hydrological Programme (IHP) in June 2008 welcoming the proposal to establish the International Centre on Coastal Ecohydrology (hereinafter referred to as the “Centre”), in Faro (Portugal), under the auspices of UNESCO,

Considering that the Director-General has been authorized by the General Conference (35 C/Resolution ...) to conclude with the Portuguese Government an agreement in conformity with the draft that was submitted to the General Conference,

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

HAVE AGREED AS FOLLOWS:

ARTICLE 1 – Interpretation

1. In this Agreement, “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization.
2. “Government” means the Government of the Portuguese Republic.
3. “Centre” means International Centre on Coastal Ecohydrology.

ARTICLE 2 – Establishment

The Government shall agree to take, in the course of the year 2010, any measures that may be required for the setting up in Portugal, as provided for under this Agreement, of the International Centre on Coastal Ecohydrology, hereinafter referred to as “the Centre”.

ARTICLE 3 – Participation

1. The Centre shall be established as an autonomous, independent legal entity at the service of Member States and Associate Members of UNESCO which, 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 to the Centre notification to this effect. The Director shall inform other interested Member States and UNESCO of the receipt of such notifications.

ARTICLE 4 – Purpose of the Agreement

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

ARTICLE 5 – Juridical personality

The Centre shall enjoy on the territory of the Portuguese Republic 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 6 – Constitutive Act

The constitutive act of the Centre must include provisions concerning:

- (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 acquire all means necessary for its functioning;
- (b) a governing structure for the Centre allowing UNESCO representation within its governing body.

ARTICLE 7 – Objectives and functions

1. The objectives of the Centre shall be to:

- (a) constitute a facilitator and synergetic structure providing the articulation of the different scientific and institutional stakeholders at local, regional, national and international levels, for the development of solutions for coastal ecosystems under climate change scenarios;
- (b) develop and propose the implementation of strategies and approaches for dealing with anthropogenic and climate change impacts on water quality and quantity for coastal ecosystems and human uses and services;
- (c) increase society awareness and foster the participation of society including stakeholders and end-users to adapt populations to climate change impacts, ensuring adequate water quality and quantity;
- (d) promote education, training and capacity-building through knowledge transference and exchange;
- (e) promote the scientific advance on the integration of freshwater and coastal ecosystems and the implementation of ecohydrology solutions for controlling water quality and quantity in transitional and coastal waters.

2. The functions of the Centre shall be to:
 - (a) develop experimental and theoretical scientific research on coastal ecohydrology;
 - (b) develop international advanced study and training courses;
 - (c) promote societal awareness related to coastal aquatic ecosystems management and conservation;
 - (d) disseminate the coastal ecohydrology approach through the organization of workshops and conferences in different regions;
 - (e) provide scientific and technical support for the establishment of regional centres on coastal ecohydrology;
 - (f) contribute to the implementation of UNESCO's programme and objectives;
 - (g) promote the creation of networks of scientists dealing with coastal ecohydrology issues;
 - (h) promote the exchange of students and scientists between different regions;
 - (i) participate in the UNESCO-IHP network as a focal point for coastal ecohydrology in the region and support IHP international activities;
 - (j) cooperate with government agencies, NGOs, public and private institutions, stakeholders and decision-makers for the effective implementation of coastal ecohydrology solutions.
3. The Centre shall pursue the above objectives and functions in close cooperation with IHP and other water-related centres under the auspices of UNESCO.

ARTICLE 8 – Governing Board

1. The Centre shall be guided and supervised by a Governing Board renewed every six years and composed of:
 - (a) a representative of the Government or his/her appointed representative;
 - (b) representatives of Member States, which have sent to the Institute/Centre notification for membership, in accordance with the stipulations of Article 3, paragraph 2, above and have expressed interest in being represented on the Board;
 - (c) a representative of the Director-General of UNESCO;
 - (d) up to a maximum of three representatives from other relevant centres and up to a maximum of four other personalities accorded a seat by the Governing Board.
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 general rules and regulations and determine the financial, administrative and personnel management 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 convened by its Chairperson, or at the request of the Director-General of UNESCO, or of half of its members. In the latter case it shall decide with the majority of the members present and casting a vote.

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 9 – 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 determines, such powers as it deems necessary.

ARTICLE 10 – 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 are temporarily seconded 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 are made available to the Centre, as provided by government regulations.

ARTICLE 11 – Duties of the Director

The Director shall discharge the following duties:

- (a) direct the work of the 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 or she may deem useful for the administration of the centre;
- (d) prepare reports on the Centre's activities to be submitted to the Governing Board and UNESCO;
- (e) represent the Centre in law and in all civil acts.

ARTICLE 12 – Contribution of UNESCO

1. UNESCO may provide assistance, as appropriate, in the form of a technical assistance for the programme activities of the Centre, in accordance with the strategic goals and objectives of UNESCO.

2. If appropriate, UNESCO undertakes to:
 - (a) provide the assistance of its experts in the specialized fields of the Centre;
 - (b) engage in temporary staff exchanges, whereby the staff concerned will remain on the payroll of the dispatching organizations; and
 - (c) second members of its staff temporarily, as may be decided by the Director-General on an exceptional basis if justified by the implementation of a joint activity/project within a strategic programme priority area.
3. In all the cases listed above, such assistance shall not be undertaken except within the provisions of UNESCO's programme and budget.

ARTICLE 13 – Contribution of the Government

1. The Government shall provide all the resources, either financial or in kind, needed for the administration and proper functioning of the Centre.
2. The Government undertakes to:
 - (a) make available to the Centre the salaries and compensations of the Secretariat staff, including the Director, and make available to the Centre the necessary staff and provide the Centre with appropriate office space, equipment and facilities;
 - (b) entirely assume the maintenance of the premises; and cover the communication, utilities plus the expenses of holding the sessions of the Governing Board; and
 - (c) make available to the Centre the administrative staff necessary for the performance of its functions, which shall comprise the implementation of studies, training and publication activities, complementing the contributions from other sources.

ARTICLE 14 – 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 15 – Evaluation

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in order to ascertain:
 - (a) whether the Centre makes a significant contribution to the strategic goals of UNESCO;
 - (b) whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.
2. UNESCO undertakes to submit to the Government, at the earliest convenience, a report on any evaluation conducted.
3. Following the results of an evaluation, each of the contracting parties shall have the option of requesting a revision of its contents or of denouncing the Agreement, as envisaged in Articles 20 and 21.

ARTICLE 16 – 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 17 – Entry into force

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

ARTICLE 18 – Duration

This Agreement is concluded for a period of six years as from its entry into force and may be tacitly renewed.

ARTICLE 19 – Denunciation

1. Each of the contracting parties shall be entitled to denounce the Agreement unilaterally.
2. The denunciation shall take effect within 30 days following receipt of the notification sent by one of the contracting Parties to the other.

ARTICLE 20 – Revision

This Agreement may be revised by consent between the Government and UNESCO.

ARTICLE 21 – 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 a representative of the Portuguese Government, 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 two copies in the English language, on

.....
For the United Nations Educational,
Scientific and Cultural Organization

.....
For the Government
of the Portuguese Republic



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-first session

181 EX/17

Part IV

PARIS, 20 March 2009

Original: English

Item 17 of the provisional agenda

REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES UNDER THE AUSPICES OF UNESCO

PART IV

PROPOSAL FOR THE ESTABLISHMENT OF HIDROEX – INTERNATIONAL CENTRE FOR EDUCATION, CAPACITY-BUILDING AND APPLIED RESEARCH IN WATER, IN FRUTAL, STATE OF MINAS GERAIS, FEDERATIVE REPUBLIC OF BRAZIL AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

SUMMARY

Following a proposal by the Government of the Federative Republic of Brazil to establish HidroEx – International Centre for Education, Capacity-Building and Applied Research in Water under the auspices of UNESCO, in the Federative Republic of Brazil, the 18th session of the Intergovernmental Council of the International Hydrological Programme (IHP) adopted Resolution XVIII-3 in June 2008 welcoming the establishment of the Centre. A UNESCO mission was undertaken to the Federative Republic of Brazil in November 2008 in order to assess the feasibility of establishing the proposed Centre.

This document summarizes the proposal and feasibility study for the proposed Centre, supplemented by annexes containing Resolution XVIII-3 of the IHP Intergovernmental Council and the proposed draft agreement between UNESCO and the Government of the Federative Republic of Brazil concerning the Centre. The evaluation of the proposed Centre was done in conformity with document 33 C/19 relating to the principles and guidelines for the establishment and functioning of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2), as approved by the General Conference in 33 C/Resolution 90.

The financial and administrative implications of the reported activities fall within the parameters of the current C/5 document.

Action expected of the Executive Board: proposed decision in paragraph 16.

INTRODUCTION

1. The Federative Government of Brazil, hereafter referred to as “the Government” has proposed the establishment, in Frutal, State of Minas Gerais, of HidroEx – International Centre for Education, Capacity-Building and Applied Research in Water, as a category 2 centre under the auspices of UNESCO. This document outlines the background and nature of the proposal and the foreseeable consequences of establishing this Centre, especially with regard to the benefits it will bring to Member States, and the Centre’s relevance to UNESCO’s programmes. In accordance with the relevant resolution of the General Conference (33 C/Resolution 90) concerning the principles and guidelines for the establishment and functioning of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2), the views of, and a decision from, the Executive Board are sought allowing the continuation of the process for the establishment of the Centre under the auspices of UNESCO.

2. In response to an initial proposal, presented in April 2007 by the Government, for the establishment of HidroEx – International Centre for Education, Capacity-Building and Applied Research in Water, as a category 2 centre under the auspices of UNESCO, the Bureau of the International Hydrological Programme (IHP) at its 40th session (Delft, June 2007) welcomed the proposal. The Intergovernmental Council of IHP at its 18th session (Paris, June 2008) adopted IHP-IC Resolution XVIII-3 by which it endorsed the proposal for the establishment of HidroEx and requested the Secretariat to conduct the feasibility study and to prepare the necessary documentation to be submitted to the governing bodies of UNESCO (Annex I to this document). A UNESCO mission was undertaken to Brazil in November 2008, in order to assess the feasibility of establishing the proposed Centre.

3. In its proposal, the Government highlighted the following facts and considerations:

- (a) Water education and capacity-building are crucial to achieving the targets of the Millennium Development Goals (MDGs) relating to water and are central to the United Nations Decade of Education for Sustainable Development (UN-DESD) and the International Decade for Action: Water for Life.
- (b) Within the national context, the Government of the State of Minas Gerais, Brazil, established in October 2008 a centre for water research, capacity-building and education (HidroEx – Centro de Pesquisa, Capacitação e Educação em Águas), hosted by the State University of Minas Gerais (Universidade do Estado de Minas Gerais, UEMG) in cooperation with the Minas Gerais State System of Water Resources Management (Sistema Estadual de Gerenciamento de Recursos Hídricos de Minas Gerais – SEGRH/MG). This centre is currently of a purely state scope and does not possess a legal personality, but lays the basis for an autonomous international centre under the auspices of UNESCO that is foreseen to contribute to the objectives of UNESCO, in particular those of the International Hydrological Programme.
- (c) The centre will be located in the city of Frutal, State of Minas Gerais, Brazil. Minas Gerais has an area of over 586,000 square kilometres and about 20 million inhabitants, making it the second most populous state in Brazil, with one of the highest state gross domestic product. Frutal is located on the shores of the Rio Grande and overlies the Guarani Aquifer, providing easy access for the study and research of surface and groundwater issues, and hosts 3,000 m² of facilities that will be made available for HidroEx. Frutal is in the top 10% municipalities in economic and social development indicators at both the state and country levels. The municipality has about 50,000 inhabitants and is an important agricultural area. The city is served by the São José de Rio Preto airport, which has direct connections to the main international airports in Brazil.

- (d) Brazil has accumulated one of the most important bodies of experience in water management in the world. In recent years, it has established a National Water Agency (ANA), invested heavily in infrastructure and the implementation of water technologies and policies, leading to greatly improved water resources management at all levels of government. Brazil is a transition economy and as such has the ability to contribute a wealth of experience in water management to other countries in the region and around the world. Given historic ties, Brazil also has a particular interest in working on a priority basis with Portuguese-speaking countries of Africa. It should also be noted that Portuguese is one of the six most spoken languages worldwide. In spite of the multilingualism effort of UNESCO, no established water-related UNESCO centre offers continuous courses in Portuguese. In this context, HidroEx together with the recently proposed International Centre on Coastal Ecohydrology, to be located in Portugal, will contribute to cover this gap. In order to operate within its focus in Latin America, it is also foreseen that the Centre will offer courses in Spanish.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

Overview of the proposal

4. The proposal presented by the Government of Brazil has endeavoured to address in detail the requirements specified in document 33 C/19 “Principles and guidelines for the establishment and functioning of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2)”, as well as the criteria of the “Strategy for UNESCO’s category 1 and 2 Water-Related Centres”, as approved by the Intergovernmental Council of IHP (177 EX/INF.9). The most relevant aspects put forward in the proposal are:

- (a) **Focus:** HidroEx currently focuses on strengthening the capacities of mid-level professionals and technicians working in water-related issues; and on educating communities to enhance the understanding of social and economic values of water resources, as well as on organizing and developing applied research within a network of universities, and in the future will work directly with UNESCO centres and water-related institutions, contributing to the achievement of international agreed water goals, such as the MDGs and the priorities established for the IHP. HidroEx will have special focus on Latin America and African countries.
- (b) **Objectives and functions:**

HidroEx will have the following objectives:

- Strengthening excellence in applied research in the management of water resources;
- Developing and applying appropriate education tools, for different communities, aimed at improving the use of water resources;
- Building capacities for technicians and professionals related to water;
- Contributing to the achievement of the United Nations MDGs and the implementation of the International Hydrological Programme priorities;
- Further developing partnerships and networks focusing on capacity-building, education and research within the field of action of HidroEx, with an emphasis on South-South and North-South collaboration;
- Encouraging entrepreneurship in an academic setting in line with the objectives of HidroEx and its institutional partners.

HidroEx will have the following functions:

- Implementing and managing an information centre and clearing house, comprising an Internet portal and library, and focusing on water management practices, available technologies and the application of research outputs;
 - Providing education for the non-formal sector, with an emphasis on the involvement of stakeholders in decision processes and the role of water in achieving sustainable development goals;
 - Strengthening institutions through capacity-building, research and partnership development;
 - Developing and contributing to institutional networks;
 - Contributing to national and international associations and fora;
 - Providing technical and scientific contributions to national water resources management systems and national water resources policies of Brazil and other Member States, in coordination with relevant national, regional and international institutions;
 - Providing advice to policy-makers, communities and professionals;
 - Providing consultancy services in its field of technical expertise, including applied research.
- (c) **Legal status and structure:** In the territory of Brazil and within the framework of its legislation, the Centre shall enjoy the legal personality and autonomous legal capacity necessary to exercise its functions, receive subsidies, obtain remunerations for services rendered, and carry out the acquisition of assets, services, and all other required means. The Centre currently operates under the technical and administrative authority of the Rector of UEMG. The government of the State of Minas Gerais considers this model as provisional and has expressed its written commitment to ensure full autonomy to HidroEx before the 35th session of the General Conference of UNESCO. Once established, the Centre will have legal autonomy to implement the decisions of its Governing Board.
- (d) **Governing Board:** The proposed Governing Board of the Centre would be composed of a representative of the Government, a representative of UNESCO designated by its Director-General, a representative of the State of Minas Gerais, a representative of the Minas Gerais Water Management Institute (IGAM), a representative of ANA, two representatives of agencies, institutions and/or the private sector, three representatives from Member States of UNESCO designated by the IHP Council. The Governing Board will have the powers needed for the performance of its functions, including approval of the mid- and long-term work programmes and the annual reports of the Centre.
- (e) **The Secretariat:** The Centre's Secretariat shall consist of a Director and such staff as is necessary for its proper operation. The Director will be nominated by the Chairperson of the Governing Board, in consultation with the Director-General of UNESCO.
- (f) **Financial matters:** The Government has agreed to provide financial resources needed for the administration and proper operation of the Centre. In this sense, the government of the State of Minas Gerais has agreed to earmark a minimum of five million reais (R \$5,000,000; approx. US \$2,220,000) per annum over the period of six years for the

running costs of the Centre. Sources of additional funding, from both the Federative and Minas Gerais State governments, are being considered. The Government will make fully available in Frutal to HidroEx, before October 2009, all the facilities needed for the operation of the Centre, including office space, 14 laboratories, 10 classrooms, two conference rooms, a library, a multimedia room, students' accommodation and a cafeteria. The expansion of the teaching facilities and accommodation and the construction of a sports complex are foreseen to be completed before 2011. Such facilities will be shared with UEMG, but the sharing arrangement will not hinder the operations of the Centre. In addition, the Government will make available in 2009 six million reals (R \$6,000,000; approx. US \$2,670,000) for a joint research project of the Centre with Empresa Brasileira de Pesquisa Agro-Pecuária (EMBRAPA). According to the strategic priorities and objectives of UNESCO, it is expected that the Organization will provide technical assistance to the activities of the Centre. It is also expected that UNESCO will associate the Centre with the different ongoing programmes to whose implementation it will contribute, as well as provide the Centre with scientific material, such as relevant publications.

(g) **Areas of cooperation with UNESCO:** The nature of the cooperation between HidroEx and UNESCO will include the following:

- Exchange of researchers from UNESCO networks, with an emphasis on water-related category 2 centres;
- Joint development of research, capacity-building and education projects that meet cooperation objectives in accordance with HidroEx's focus and UNESCO strategic objectives and priority programmes;
- Promotion of joint courses, workshops, conferences, symposia, and seminars in line with UNESCO's programme, as set forth in the C/4 and C/5 documents and on the strategic programme of IHP;
- Joint design and execution of training tools for communities with special emphasis on Latin American and African countries;
- Dissemination and valorization of the outcomes, methods and techniques developed and obtained jointly;
- Encouraging the adoption of training programmes and the dissemination of cutting-edge knowledge together with category 1 and 2 UNESCO institutes and centres.

Formal technical cooperation of the proposed Centre, as a national body, and UNESCO was initiated via a Memorandum of Understanding signed in December 2007 between the Government of the State of Minas Gerais and UNESCO-IHE Institute for Water Education. HidroEx is also exploring a number of specific arrangements that will permit development of joint short and tailor-made courses, a double M.Sc. degree and research activities with UNESCO-IHE Institute for Water Education and other members of that Institute's network of educational centres in Latin America and Africa. In addition, Memoranda of Understanding are under preparation with the International Hydroinformatics Centre (Brazil and Paraguay) and with the proposed International Centre for Coastal Ecohydrology (Portugal). Agreements with other UNESCO centres and with UNESCO Chairs will be actively explored.

The expected results from UNESCO's contribution comprise the following: (a) strengthened exchange of scientific information and resources due to UNESCO's networks and role as a bridge to other Member States, international organizations and NGOs, (b) increased visibility of the Centre and improved dissemination of scientific

results, and (c) enhanced scientific excellence and relevance of the Centre's outputs at the international level due to UNESCO's expertise in the field of water resources.

(h) **Relationship between the activities of the Centre and UNESCO's objectives and programmes:**

- UNESCO's Medium-Term Strategy (2008-2013) as set out in document 34 C/4 defines Strategic Programme Objective 3, "Leveraging scientific knowledge for the benefit of the environment and the management of natural resources"; furthermore, under Strategic Programme Objective 4, "Fostering policies and capacity-building in science, technology and innovation", it states, "In the field of hydrology, UNESCO will provide policy advice and support for capacity-building by reinforcing synergies between its different programmes, in particular the International Hydrological Programme (IHP) and other entities, such as category 2 centres, and promote effective strategies for joint purposeful action".
- The strategic plan of the Seventh Phase of IHP (IHP-VII; 2008-2013; IHP/Bur-XL/11) embraces these Strategic Programme Objectives, being structured around five core themes each comprising a number of focal areas. The mission and functions of the proposed Centre fall mostly under IHP-VII Theme 5 "Water Education for Sustainable Development". Some of the Centre's research and training activities will also be relevant to other IHP focal areas, in particular focal area 4.4 "Achieving sustainable rural water management" and 2.5 "Addressing the water-energy nexus in basin-wide water resources".
- Document 34 C/5 (Approved Programme and Budget of UNESCO for 2008-2009) identifies as a biennial priority for Major Programme II, Natural Sciences, that of "Promoting research and technical capacity-building for the sound management of natural resources", and specifies, *inter alia*, the following items undoubtedly relevant for the activities of the Centre: "with focus on the work of the International Hydrological Programme (IHP) [...] and strongly enhanced coordination with the water-related category 2 centres [...], strengthen scientific approaches for improved water management policies and governance, technical capacity-building and education at all levels [...], with particular attention to sub-Saharan Africa". The Executive Board has recommended that the work of the International Hydrological Programme (IHP) in promoting the sustainable use of fresh water is retained as a key priority for UNESCO in document 35 C/5 (180 EX/Decisions).
- Within the context of the C/4 and C/5 documents, and the strategic IHP plans, the Centre will also articulate with the UNESCO national and regional priorities in the countries where it develops activities.

5. **International impact of the Centre through cooperation:** As an international centre, HidroEx will strengthen capacities through research and education, particularly in Latin America and Africa. The planned research will be largely transferable to other Member States and it is foreseen that HidroEx will host over 750 students from outside Brazil during its first six years. A HidroEx grants programme targeting Latin American and African students is being considered by the Centre's proponents. A provisional arrangement, made jointly with UNESCO-IHE, started in October 2008 for four masters and doctoral students. In addition, HidroEx is establishing partnerships with several UNESCO water-related institutes and centres (see para. 4(g)) and with other national entities to explore complementarities and synergies (see para. 8(c) for examples). Links with other regional and international entities are being explored, in particular with those operating within IHP in Latin America and the Caribbean. As a basic concept, the Centre seeks to promote and participate in networks, interchange of students and staff, technical visits, exchange of technologies and participation in collaborative educational, capacity-building and research projects.

6. **Financial and administrative implications for UNESCO:** The secretariat of UNESCO-IHP and UNESCO-IHE partially covered the costs of the mission necessary to carry out the feasibility study of the proposed centre. Foreseen administrative costs directly linked to the operation of the Centre once it is established, subsequent to the approval of the General Conference of UNESCO, will correspond mainly to: (i) liaising with the Centre and coordinating with the network of UNESCO water-related centres in accordance with the IHP strategy for category 1 and category 2 water-related centres; and (ii) attendance at Governing Board meetings of the Centre by the UNESCO representative. The relatively minor incremental costs of this involvement will be more than offset by the fact that the Centre will be actively involved in the execution of the freshwater programmes of UNESCO with substantial contributions from the Government of Brazil to the running costs of the Centre. The financial and administrative implications of the reported activities fall within the parameters of the current C/5 document.

7. **Risks:** The risks that UNESCO would incur in the establishment of the Centre would be low, in view of the strong official support it has from the Government (in particular the National Water Agency, several universities and research institutions) and from the State of Minas Gerais.

SUMMARY EVALUATION OF THE PROPOSAL SUBMITTED

8. From the document review, meetings and interviews, it may be concluded that:

- (a) The Centre meets the “Criteria for the creation of institutes and centres under the auspices of UNESCO” (category 2) according to the principles and guidelines for the establishment and functioning of institutes and centres under the auspices of UNESCO (categories 1 and 2) outlined in document 33 C/19, as approved by the General Conference in 33 C/Resolution 90.
- (b) The proposal enjoys the full support of the Federal Government of Brazil, and has very strong backing from the government of the State of Minas Gerais.
- (c) The IHP National Committee of Brazil presented the proposal for the establishment of HidroEx to the IHP Intergovernmental Council. Senior and professional staff of ANA, EMBRAPA, Brazilian Association of Irrigation and Drainage (ABID), UFMG, UEMG, IGAM, Rural Technical Assistance Public Corporation of the State of Minas Gerais (EMATER), and the International Hydroinformatics Centre under the auspices of UNESCO (Brazil and Paraguay), expressed their interest in the establishment of the Centre and its commitment to contribute or collaborate with the planned activities of the Centre. Several of these organizations have highlighted the necessity of HidroEx and offered their capabilities towards synergetic activities in the future.
- (d) The local authorities and government of Frutal and of several close-by municipalities show a strong interest in the establishment of the Centre, which they consider will constitute a vehicle for the development of this part of Minas Gerais.
- (e) The Government of Brazil has pledged, through the Government of the State of Minas Gerais, to cover all the operating costs of the Centre.
- (f) The proposed Centre has a strong potential to foster South-South and North-South cooperation.
- (g) Due to the strong commitment of the Government of Brazil and the resources that will be made available to HidroEx, as well as the strategic partnerships that it is seeking to establish, the proposed Centre has the potential to become, within its focus and area of operation, an important element in the implementation of the International Hydrological Programme. Through its contribution to IHP-VII Theme 5 on “Water Education for Sustainable Development”, the Centre has the potential to provide a relevant

contribution to Thematic Programme 5 “Education for Sustainable Water Management” of the UN-DESD Action Plan.

- (h) HidroEx will adopt an appropriately graduated timetable for its overall development from its launching to becoming a fully-fledged institution of higher education offering a wide range of products and services to Brazil, Latin America and Portuguese-speaking African nations. A stepped programme of incremental development of academic products will pay long-term benefits to HidroEx. Developing an accredited M.Sc. programme, for example, can take up to 10 years of intensive work and developing a Ph.D. programme may take up to 15 or 20 years of consistent research production and dedication to excellence in the academic aspects of any new institution. Likewise, a focused design of academic offerings will be pursued in this process. HidroEx may restrict the scope of the academic offerings at the outset and over time build up their breadth. In this process HidroEx will closely associate itself with other established educational institutions – nationally, regionally and globally. UNESCO-IHE located in Delft, The Netherlands is one such United Nations higher education centre that is willing to work with HidroEx to help ensure a logical development path; one leading to HidroEx becoming a centre of excellence for education in water.

9. The points cited above indicate the overall favourable feasibility of the proposed Centre in Brazil under the auspices of UNESCO and lead to the conclusion that UNESCO’s governing bodies should give it due consideration.

10. A draft agreement is attached (Annex II) that addresses the legal, managerial and administrative aspects of the proposed Centre. The Draft Agreement for the proposed HidroEx – International Centre for Education, Capacity-Building and Applied Research in Water has been elaborated through a process of consultation between the authorities of the Government of Brazil and the UNESCO Secretariat.

11. The Director-General welcomes the proposed establishment, in Brazil, of HidroEx – International Centre for Education, Capacity-Building and Applied Research in Water, as a category 2 centre under the auspices of UNESCO. He recognizes that the establishment of such an international centre under the auspices of UNESCO could only be of benefit to UNESCO and its Member States, particularly those in Latin America and Africa. Furthermore, it would be in line with the strategy for institutes and centres under the auspices of UNESCO (category 2) as presented in document 33 C/19 and as approved by the General Conference in 33 C/Resolution 90.

ACTION EXPECTED OF THE EXECUTIVE BOARD

12. In the light of the above, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 33 C/Resolution 90,
2. Recalling IHP-IC Resolution XVIII-3, adopted at the 18th session of the Intergovernmental Council of the International Hydrological Programme (IHP) in June 2008,
3. Having examined document 181 EX/17 Part IV,
4. Welcomes the proposal of the Government of Brazil to establish in its territory HidroEx – International Centre for Education, Capacity-Building and Applied Research in Water under the auspices of UNESCO, in conformity with the guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2) outlined

in document 33 C/19, as approved by the General Conference in 33 C/Resolution 90, and in line with the guiding principles of the strategy for UNESCO water-related centres approved by the Intergovernmental Council of IHP;

5. Recommends to the General Conference at its 35th session that it approve the establishment in Frutal, State of Minas Gerais, Brazil, of HidroEx – International Centre for Education, Capacity-Building and Applied Research in Water as a centre under the auspices of UNESCO (category 2), and that it authorize the Director-General to sign the Agreement contained in Annex II to document 181 EX/17 Part IV.

ANNEX I

Resolution XVIII-3 of the Intergovernmental Council of the International Hydrological Programme on the "Endorsement of the proposals for the establishment of water-related centres under the auspices of UNESCO (category 2)" (IHP/IC-XVIII/3; Annex IV).

The Intergovernmental Council of the International Hydrological Programme of UNESCO,

Noting	the critical importance of freshwater issues at the global and regional levels for the achievement of the Millennium Development Goals and the sustainability of water resources in face of the mounting global changes,
Considering	UNESCO's fundamental role in enhancing international cooperation in the sciences and expanding the knowledge base in the field of fresh water through IHP and through the growing network of category 1 and category 2 water-related centres that provides UNESCO with an increasing capability in this area,
Noting with appreciation	the willingness of the Governments of Brazil, Dominican Republic, Germany, Kazakhstan, Portugal, Turkey and the United States of America to undertake the establishment of category 2 water-related centres, significantly enhancing thematically and geographically the existing network of centres,
Recognizing	the valuable services that the centres will render to Member States and stakeholders throughout the globe and the valuable contribution that they will provide to the implementation of IHP-VII,
After due consideration of the individual proposals, endorses with deep satisfaction	the proposals for the establishment of: <ul style="list-style-type: none"> • the regional centre of international training and research on sediment, isotope and erosion techniques (Turkey); • Hidroex Centre for higher and community education in water (provisional title) (Brazil); • the central Asian regional glaciological centre (Republic of Kazakhstan); • the centre for the sustainable management of water resources in the Caribbean island States (Dominican Republic); • the international centre for integrated water resources management (ICIWaRM) (United States); • the international centre of water resources and global change (Germany); and • the international centre on coastal ecohydrology (Portugal);
Requests	the Secretariat, in collaboration with the host Member States, to conduct feasibility studies and to prepare the necessary documentation to be submitted to the governing bodies of UNESCO towards the creation of the centres, in conformity with the IHP strategy for category 1 and category 2 water-related centres, document 33 C/19 and 33 C/Resolution 90 on guidelines and principles for UNESCO category 1 and category 2 institutes and centres;
Invites	the IHP National Committees to support the establishment and functioning of the centres;
Invites	the Member States, the IHP National Committees and in particular the existing UNESCO network of centres and institutes that address relevant water issues, at the regional and at the international levels, to actively support the proposed centres and ensure cooperation and collaboration in the common endeavours for the benefit of all.

ANNEX II

DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

CONCERNING THE ESTABLISHMENT AND OPERATION OF HIDROEX – INTERNATIONAL CENTRE FOR EDUCATION, CAPACITY-BUILDING AND APPLIED RESEARCH IN WATER UNDER THE AUSPICES OF UNESCO

The Government of the Federative Republic of Brazil, hereinafter the “Government” and the United Nations Educational, Scientific and Cultural Organization, hereinafter “UNESCO”, all of them hereinafter “the Parties”,

Considering that the International Hydrological Programme (IHP) of UNESCO constitutes the framework for cooperation between the Government and UNESCO regarding water management and sciences,

Considering the deliberations of the Intergovernmental Council of the International Hydrological Programme (IHP), the Executive Board, and the General Conference related to the establishment of the HidroEx – International Centre for Education, Capacity-Building and Applied Research in Water, hereinafter “the Centre”,

Considering that the Director-General has been authorized by the General Conference in its resolution to conclude with the Government of the Federative Republic of Brazil an agreement in conformity with the draft which was submitted to the General Conference, which defines the terms and conditions governing the collaboration between UNESCO and the Government concerned in relation to the Centre.

Have agreed as follows:

ARTICLE 1

Purpose of the Agreement

The purpose of this agreement is to define the terms and conditions governing the collaboration between UNESCO and the Government concerned, in relation to the establishment of the Centre, as well as to define the corresponding rights and obligations stemming therefrom for the Parties.

ARTICLE 2

Establishment

The Government shall take, through the State of Minas Gerais, in the course of the years 2009 and 2010, any measures that may be required, according to its laws and regulations, for setting up the Centre in Frutal, State of Minas Gerais, Brazil.

ARTICLE 3

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 4

Juridical personality

The Centre shall enjoy on the territory of Brazil 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;
- to bind;
- to hold rights;
- to appear in court.

ARTICLE 5

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 6

Objectives and functions

The objectives of the Centre shall be to:

- strengthen excellence in applied research in the management of water resources;
- develop and apply appropriate education tools, for different communities, aimed at improving the use of water resources;
- build capacities for technicians and professionals related to water;
- contribute to the achievement of the United Nations Millennium Development Goals and the implementation of the International Hydrological Programme priorities;
- further develop partnerships and networks focusing on capacity-building, education and research within the field of action of the Centre, with an emphasis on South-South and North-South collaboration;
- encourage entrepreneurship in an academic setting in line with the objectives of the Centre and its institutional partners.

The functions of the Centre shall be to:

- implement and manage an information centre and clearing house, comprising an Internet portal and library, focusing on water management practices, available technologies and applied research;
- provide education for the non-formal sector, with an emphasis on the involvement of stakeholders in decision-making processes and the role of water in achieving sustainable development;
- strengthen institutions through capacity-building, research and partnership development;
- develop and contribute to institutional networks;
- contribute to national and international associations and fora;
- provide technical and scientific support to the Brazilian Water Resources Management System and the Brazilian Water Resources Policy;
- provide advice to policy-makers, communities and professionals;
- provide consultancy services in its field of technical expertise including applied research.

ARTICLE 7

Governing Board

1. The Centre shall be guided and supervised by a Governing Board having one third of its membership renewed every year and composed of:

- (a) one representative of UNESCO designated by its Director-General;
- (b) three (3) representatives from Member States of UNESCO designated by the IHP Council;
- (c) one (1) representative of the Brazilian Government;
- (d) one (1) representative of the State of Minas Gerais;
- (e) one (1) representative of the Brazilian Water Agency (Agência Nacional de Águas – ANA);
- (f) a representative of the Water Management Institute of Minas Gerais (Instituto Mineiro de Gestão das Águas – IGAM);
- (g) two (2) representatives of agencies, institutions and/or private sector.

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 of 8 (eight) 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 of Minas Gerais State and UNESCO.

ARTICLE 8

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 9

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

ARTICLE 10

Duties of the Director

The Director shall carry out the following duties:

- (a) to implement the Centre's activities in accordance with the programmes and guidelines established by the Governing Board, and by administering the necessary resources;
- (b) to propose to the Governing Board the draft work plan and budget for the operation of the Centre;

- (c) to prepare the provisional agenda of the Governing Board meetings and to present any proposals deemed useful for the administration of the Centre;
- (d) to prepare the Centre's activity report, and to present it to the Governing Board;
- (e) to represent the Centre in law and in all civil acts.

ARTICLE 11

Contribution of UNESCO

1. UNESCO shall provide technical assistance to specific projects and activities, according to the goals and strategic objectives of the Organization.
2. UNESCO shall:
 - (a) provide the assistance of its experts in the specialized fields of the Centre;
 - (b) on a temporary basis, second members of its staff, upon authorization by the Director-General of UNESCO, when proven to be necessary for the implementation of a joint activity or project in a priority field approved by UNESCO's governing bodies;
 - (c) include the Centre in various programmes which it implements and in which the participation of the latter seems necessary to it.
3. In all the above-mentioned circumstances, UNESCO's contribution shall be provided for in its regular programme and budget.

ARTICLE 12

Contribution of the Government

1. The Government shall take, through the State of Minas Gerais, all necessary steps to ensure that the Centre will have the necessary resources, either financial, material or human, to allow its functioning.
2. The Government, through the State of Minas Gerais, shall make available to the Centre the facilities necessary to fulfil its objectives and functions.
3. The Government, through the State of Minas Gerais, shall entirely assume the maintenance of the premises of the institution as a category 2 centre under the auspices of UNESCO.
4. The Government, through the State of Minas Gerais, shall earmark the resources necessary for the running costs of the Centre.
5. The Government, through the State of Minas Gerais, shall make available to the Centre the administrative staff necessary for the performance of its functions, which shall comprise, at least: 1 Director; 1 Deputy-Director; managers; professors to attend to nine competencies: biology (limnology), geology, hydrology, cartography, agronomy (irrigation), economy, chemistry, pedagogy and water legislation; assessors and technicians.

ARTICLE 13

Privileges and immunities

The Government shall apply to the international staff and the experts of UNESCO the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947. These privileges and immunities shall not be applied to the Brazilian staff hired by or collaborating with the Centre.

ARTICLE 14

Responsibility

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

ARTICLE 15

Evaluation

1. UNESCO and the Government of the Federative Republic of Brazil may, at any time, and upon previous notification to the Centre, carry out an evaluation of the activities of the Centre in order to establish:
 - (a) whether the Centre makes an important contribution to the strategic goals of UNESCO and the Government of the Federative Republic of Brazil; and
 - (b) whether the activities carried out effectively by the Centre are in conformity with those set out in this Agreement.
2. UNESCO and the Government of the Federative Republic of Brazil shall agree to mutually submit to each other, when possible, a report on any evaluation carried out.
3. UNESCO and the Government of the Federative Republic of Brazil shall reserve the right to denounce this Agreement or request a revision of its contents, following the results of an evaluation.

ARTICLE 16

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 letter-headed paper and documents in accordance with the conditions established by the governing bodies of UNESCO.

ARTICLE 17

Duration

This Agreement shall be valid for a period of six (6) years as from its entry into force, and may be renewed by tacit agreement through extensions for equivalent six (6) year periods, unless one of

the Parties notifies the other in writing 60 days prior to the expiration date of its decision to denounce the Agreement.

ARTICLE 18

Entry into force

This Agreement shall enter into force upon meeting the formalities required to that effect by the domestic law of the Federative Republic of Brazil and by UNESCO's internal regulations. The date of receipt of the notification to this effect by the Director-General of UNESCO shall be deemed to be the date of entry into force of this Agreement.

ARTICLE 19

Denunciation

1. Each of the Parties shall be entitled to denounce the Agreement unilaterally.
2. The denunciation shall take effect within sixty (60) days following receipt of the notification sent by one of the Parties to the other Party.

ARTICLE 20

Revision

This Agreement may be revised when UNESCO and the Government of the Federative Republic of Brazil so agree. Agreed modifications shall enter into force as provided under Article XVIII of this Agreement.

ARTICLE 21

Settlement of disputes

Any dispute arising between the Parties concerning the interpretation or application of this Agreement shall be settled through direct negotiations among the Parties. Any dispute not settled through direct negotiations shall be submitted for its definitive settlement to an arbitration tribunal composed of three arbitrators designated jointly by UNESCO and the Government of the Federative Republic of Brazil. If an agreement is not reached by the Parties on the nomination of these three, the appointment shall be made by the President of the International Court of Justice. The decision of the Tribunal shall be final.

IN WITNESS WHEREOF, the undersigned representatives, duly authorized to do so, sign the original copies of this Agreement, in English, Spanish and Portuguese, all versions being equally authentic.

For the Government of the Federative Republic of Brazil
Legal representative

For the United Nations Educational, Scientific and Cultural Organization (UNESCO)
Legal representative



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-first session

181 EX/17 Part V

PARIS, 27 March 2009
Original: English

Item 17 of the provisional agenda

REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES UNDER THE AUSPICES OF UNESCO

PART V

PROPOSAL FOR THE ESTABLISHMENT IN CHINA OF AN INTERNATIONAL TRAINING CENTRE FOR INTANGIBLE CULTURAL HERITAGE IN THE ASIA-PACIFIC REGION AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

SUMMARY

At the 179th session of the Executive Board, the Government of the People's Republic of China submitted a "proposal for the establishment in China of an Asia-Pacific regional centre for the safeguarding of the intangible cultural heritage, as a category 2 centre under the auspices of UNESCO" (179 EX/44). The Executive Board requested the Director-General to carry out a feasibility study on the proposed category 2 centre (179 EX/Decision 44).

The present document consists of a report by the Director-General assessing the feasibility of the proposed centre, supplemented by a Draft Agreement (Annex 2), addressing functional, legal, managerial and administrative aspects of the proposed centre, that has been elaborated through a process of consultation between the Government of China and the UNESCO Secretariat. The feasibility study was undertaken in conformity with the Guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2), as approved by the General Conference in 33 C/Resolution 90.

This document has financial implications (see paragraph 12 of the document, as well as Article 14 of the Draft Agreement) and administrative implications (see paragraph 15, as well as Article 13); see also paragraph 19.

Action expected of the Executive Board: proposed decision in paragraph 20.

INTRODUCTION

1. In July 2007 the Minister of Culture of the People's Republic of China proposed to the Director-General to establish in China a regional centre for the safeguarding of the intangible cultural heritage (henceforth ICH) in the Asia-Pacific region, as a category 2 centre under the auspices of UNESCO. In October 2007, a preparatory office for the creation of such a centre was set up at the China National Academy of Arts. In conformity with the "Guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2)", contained in 33 C/Resolution 90, the Government of China submitted a "Request for Action" for the establishment of the centre, which was presented to the Executive Board at its 179th session (179 EX/44).
2. At the same session of the Executive Board, the Government of the Republic of Korea presented its request to establish a similar regional centre (179 EX/46) and the Government of Japan announced its intention to propose the establishment in Japan of a third such centre. The Executive Board, in response to the proposal of the Government of China, requested the Director-General to carry out a feasibility study on the proposed category 2 centre (179 EX/Decision 44).
3. UNESCO sent a fact-finding mission to China in May 2008 to assess the preparatory measures that China had been taking. The mission noted a strong commitment of the Chinese Authorities for the creation of a regional category 2 centre for ICH. The mission also observed the successful implementation of nation-wide activities for the safeguarding of ICH in China.
4. Taking into account the Executive Board's decisions (179 EX/Decision 44 and 179 EX/Decision 46) and the "request for action" subsequently submitted to the Director-General by the Government of Japan, the Director-General suggested to the authorities of the three countries that they establish a mutual understanding about the respective specializations of the three proposed centres. The three Member States met in August 2008 in the Republic of Korea to discuss future cooperation and coordination. A resulting Memorandum (Annex I) identifies "training" as the special focus for the centre to be established in China. In December 2008 the Government of China submitted to the Director-General a revised request for action to establish the International Training Centre for Intangible Cultural Heritage in the Asia-Pacific Region (hereafter, "the Centre"), reflecting the outcome of those tripartite deliberations.
5. A second UNESCO mission was sent to China in January 2009 in order to assess the feasibility of establishing the proposed centre. This report is based on the revised Request for Action, additional documentation provided to UNESCO prior to and during the mission and meetings with officials and representatives of the organizations mentioned in this document.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

6. The attached Draft Agreement (Annex II) addresses the requirements specified in the guidelines adopted by the General Conference in 33 C/Resolution 90. The most relevant aspects of the proposal are presented below.
7. The Centre shall specialize in training and its objectives shall be to:
 - (a) promote the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and contribute to its implementation in the Asia-Pacific region;
 - (b) increase the participation of communities, groups and individuals in safeguarding intangible cultural heritage in the Asia-Pacific region;
 - (c) enhance the capacity of the Asia-Pacific Member States of UNESCO in safeguarding ICH, particularly by strengthening the capacities of concerned personnel;

(d) foster regional and international cooperation for safeguarding ICH.

8. In order to achieve the above objectives, the functions of the Centre will be to:

- (a) organize long-term and short-term training courses on the safeguarding of ICH including classroom training and field-based training, and grant financial support to trainees in need of assistance;
- (b) mobilize international and Chinese experts as well as scientific NGOs specialized in the different domains of ICH to work as instructors and advisers;
- (c) enhance international and regional cooperation with institutions active in the domain of ICH, notably those established under the auspices of UNESCO (category 2).

The Centre's activities and programmes shall be carried out in conformity with the 2003 Convention and, in particular, its purposes and objectives and definitions (Articles 1 and 2).

9. In the territory of the People's Republic of China and under its national legislation, the Centre shall enjoy the legal personality and autonomous legal capacity necessary to exercise its functions, receive subsidies, obtain payments for services rendered and carry out the acquisition of assets, service, and all other necessary means. The Centre will be registered as a public institution, in conformity with the "Interim Rules on Registration and Administration of Public Institutions" promulgated by Decree No. 411 of the State Council of the People's Republic of China on 27 June 2004. Following approval of the centre by the UNESCO General Conference, the State Commission Office for Public Sector will issue a "Certificate of Institution as Legal Person" which is the certification of the Centre's juridical status. The Constitution for the future Centre has been drafted, and is reflected in the Draft Agreement (Annex II).

10. The governing structure of the Centre will consist of two entities, a Governing Board and an Executive Committee, which will be assisted by the Secretariat of the Centre. A representative of the Director-General of UNESCO shall be a member of the Governing Board. The functions and compositions of these entities are described in Articles 8 to 11 of the Draft Agreement (Annex II). The Governing Board may constitute an Advisory Committee that will provide the Governing Board and Executive Committee with necessary scientific advisory services. The Secretariat will be headed by the Director of the Centre (see Article 12). The eight-person Secretariat will be composed of an Administration Office, Liaison Department, Training Department and Finance Department; it will be assisted by 20 consultants. Most of the staff and consultants have been already identified and are currently working for or with the preparatory office.

11. The Centre will be located in Beijing in the premises of the Chinese National Academy of Arts that will make available to the Centre offices, classrooms, a language laboratory and related facilities and equipment. In addition, the Centre's partner institutions such as the Chinese Academy of Social Sciences and the Minzu University of China will make their classrooms and teaching facilities available to the Centre. It is foreseen that additional space will be reserved for the Centre in the future Chinese Traditional Opera Museum to be built near the Olympic stadium.

12. The government of China has already committed to contribute to the Centre a total amount of at least US \$500,000 annually (179 EX/44, para. 15) to cover the cost of the Centre's training activities and administrative running costs including *inter alia* staff salaries (estimated approximately \$80,000 per year), communications and utilities (estimated approximately \$7,000 per year) and maintenance costs (estimated approximately \$12,000 per year). UNESCO's assistance to the Centre will mainly be technical, and will be provided only within the provisions of UNESCO's programme and budget.

13. UNESCO's Medium-Term Strategy (2008-2013) (34 C/4) emphasizes the need to safeguard intangible cultural heritage and to build national capacities in this domain (para. 107). The Strategy

also highlights South-South cooperation and North-South-South triangular cooperation as one of the main programmatic features (para. 28). The Draft Programme and Budget for 2010-2011 (35 C/5, in preparation) can similarly be expected to identify safeguarding heritage in its various dimensions as a biennial priority for Major Programme IV – Culture. Moreover, through the functions mentioned above, the Centre will contribute to the objectives mentioned in Article 1 of the Convention for the Safeguarding of the Intangible Cultural Heritage, in particular, the first (“safeguarding ICH”) and the last (“providing for international cooperation and assistance”). The principal activities of the Centre are thus in line with UNESCO’s strategies, objectives and programmes.

14. The Centre will establish close collaboration with the World Heritage Training and Research Institute for the Asia and the Pacific region under the auspices of UNESCO (henceforth WHITR-AP) established in China in 2007, allowing both centres to share experiences and develop an integrated approach in the safeguarding of both tangible and intangible heritage as emphasized in document 34 C/4. The synergies of expertise and commitment of various Chinese institutions and organizations, including the Chinese Academy of Arts, Chinese Academy of Social Sciences, Minzu University of China, China Folklore Society, the Ministries of Culture, Education and Foreign Affairs, State Administration of Cultural Heritage, and WHITR-AP, will ensure that the Centre can successfully pursue its capacity-building functions in the Asia-Pacific region.

15. During the initial stage, UNESCO may fulfil its function as a catalyst by sharing its technical and organizational competencies. It may notably transmit to the Centre in-depth knowledge of the 2003 Convention and its Operational Directives as well as other related publications. UNESCO may also assist the Centre in identifying international organizations, non-governmental organizations (NGOs) and international experts specialized in safeguarding of ICH inside and outside the region.

16. The execution of UNESCO’s programme in the field of ICH may benefit significantly from cooperation with the Centre as this will permit UNESCO to be better informed about ICH developments in the region and will strengthen the capacity of Member States, UNESCO’s implementing partners in safeguarding activities.

SUMMARY EVALUATION OF THE PROPOSAL SUBMITTED

17. From the document review, meetings and interviews, it may be concluded that the proposed Centre meets the criteria for the creation of institutes and centres under the auspices of UNESCO (category 2) specified in the document. Established in 2007, the Preparatory Office of the Centre has undertaken significant work in laying the legal, administrative, financial and material infrastructure of the Centre and is ready to assume the responsibilities of a regional commitment under the auspices of UNESCO.

18. The points cited above indicate the high viability of the Centre proposed by China and the benefits it may bring to the region, UNESCO and China. Its establishment would be in line with the strategy for institutes and centres under the auspices of UNESCO (category 2) as approved by the General Conference in 33 C/Resolution 90. The Director-General therefore welcomes the proposed establishment in China of the International Training Centre for Intangible Cultural Heritage, as a category 2 centre under the auspices of UNESCO, and suggests that UNESCO’s governing bodies give it due consideration.

19. **Financial and administrative implications:** The financial implications of the proposed centre are indicated in paragraph 12 above and in Article 14 of the Draft Agreement attached as Annex 2. The administrative implications of the proposed centre are indicated in paragraph 15 above and in Article 13 of the Draft Agreement. These financial and administrative implications are not of a policy nature.

ACTION EXPECTED OF THE EXECUTIVE BOARD

20. In the light of the above, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 33 C/Resolution 90 concerning the Principles and guidelines regarding the establishment and operation of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2),
2. Further recalling 179 EX/Decision 44,
3. Having examined document 181 EX/17 Part V and its Annexes,
4. Taking note of the understanding reached in August 2008 in Seoul, Republic of Korea, by China, Japan and the Republic of Korea on terms of cooperation and specialization for the three intangible cultural heritage centres they have proposed to establish under the auspices of UNESCO,
5. Recognizing the significant progress in the preparation of the Centre made by the Chinese Authorities since the 179th session of the Executive Board,
6. Welcomes the proposal of the Government of the People's Republic of China to establish in its territory an International Training Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO, in conformity with the "Guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2)" as approved by the General Conference in Annex I to 33 C/Resolution 90;
7. Recommends to the General Conference at its 35th session that it approve the establishment in China of the International Training Centre for Intangible Cultural Heritage in the Asia-Pacific Region as a centre under the auspices of UNESCO (category 2), and that it authorize the Director-General to sign the Agreement contained in Annex II to document 181 EX/17 Part V.

ANNEX I

MEMORANDUM

AMONG

THE AGENCY FOR CULTURAL AFFAIRS OF JAPAN,

THE CULTURAL HERITAGE ADMINISTRATION OF THE REPUBLIC OF KOREA

AND

THE MINISTRY OF CULTURE OF THE PEOPLE'S REPUBLIC OF

CHINA

ON THE ESTABLISHMENT OF UNESCO INTANGIBLE CULTURAL

HERITAGE CENTRES FOR THE ASIA-PACIFIC REGION

The Ministry of Culture of China, the Agency for Cultural Affairs of Japan and the Cultural Heritage Administration of the Republic of Korea (hereinafter referred to as the "Three Sides"),

Desiring to establish and operate a UNESCO Intangible Cultural Heritage Centre for the Asia-Pacific Region (hereinafter referred to as a "Centre") in each country to promote the safeguarding of the intangible cultural heritage present in the Asia-Pacific region and, eventually, to contribute to the efforts of the international community to safeguard its valuable intangible cultural heritage,

Have reached the following recognition:

1. The Three Sides, recalling the spirit of the Convention for the Safeguarding of the Intangible Cultural Heritage, will strengthen cooperation with a view to establishing and operating a Centre in the territory of each of the three countries.
2. The Three Sides will encourage and promote the sharing of information regarding the establishment and operation of the Centres, the implementation of joint research projects, and the exchange of human resources.
3. Once a Centre is established in the territory of each of the three countries, the three Centres will formulate an action plan through mutual consultations and have regular meetings to discuss ways to ensure stronger cooperation and synergy effect among them.
4. The Three Sides will decide upon the respective specializations, where each Centre will play its major roles and functions, as follows (written in alphabetical order).

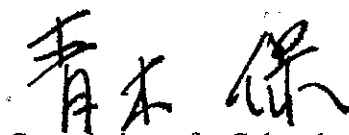
(1) Centre in China: Training

(2) Centre in Japan: Research

(3) Centre in the Republic of Korea: Information and Networking

5. The three Centres will support each other, when conducting projects in their specialized functions.
6. The cooperation under this Memorandum will commence on the date of signature by all Three Sides.

FOR THE AGENCY FOR
CULTURAL AFFAIRS OF
JAPAN



Commissioner for Cultural
Affairs of Japan

On the 6 of Nov. 2008

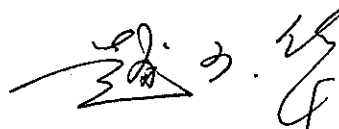
FOR THE CULTURAL
HERITAGE
ADMINISTRATION OF
THE REPUBLIC OF
KOREA



Administrator of the Cultural
Heritage Administration of
the Republic of Korea

On the 13th of Oct. 2008

FOR THE MINISTRY OF
CULTURE OF THE
PEOPLE'S REPUBLIC OF
CHINA



Vice Minister of Culture of
the People's Republic of
China

On the 31 of Oct. 2008

ANNEX II

DRAFT AGREEMENT BETWEEN

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

AND

**THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION (UNESCO)**

**REGARDING THE ESTABLISHMENT IN BEIJING (THE PEOPLE'S REPUBLIC OF CHINA)
OF AN INTERNATIONAL TRAINING CENTRE FOR INTANGIBLE CULTURAL HERITAGE
IN THE ASIA-PACIFIC REGION UNDER THE AUSPICES OF UNESCO (CATEGORY 2)**

The Government of the People's Republic of China

and

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

Recalling the Convention for the Safeguarding of the Intangible Cultural Heritage, which was adopted in 2003 by the 32nd session of the General Conference and entered into force in April 2006,

Considering that the Director-General has been authorized by the General Conference to conclude with the Government of the People's Republic of China an agreement in conformity with the draft that 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 1
Interpretation**

1. In this Agreement, "UNESCO" refers to the United Nations Educational, Scientific and Cultural Organization.
2. "The Government" refers to the Government of the People's Republic of China.
3. "The Centre" refers to the International Training Centre for Intangible Cultural Heritage in the Asia-Pacific region.
4. "The 2003 Convention" refers to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.
5. "ICH" refers to Intangible Cultural Heritage.

Article 2 Establishment

The Government shall agree to take, in the course of the year 2009, any measures that may be required for the setting up at Beijing, as provided for under this Agreement, of an International Training Centre for Intangible Cultural Heritage in the Asia-Pacific region.

Article 3 Participation

1. The Centre shall be an autonomous institution at the service of Member States and Associate Members of UNESCO which, 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 4 Purpose of the Agreement

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

Article 5 Juridical personality

The Centre shall enjoy on the territory of the People's Republic of China 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 6 Constitution

The Constitution of the Centre must include provisions concerning:

- (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 acquire all means necessary for its functioning;
- (b) a governing structure for the Centre allowing UNESCO representation within its governing bodies.

Article 7 Objectives and functions

1. The Centre shall specialize in training and its objectives shall be to:
 - (a) promote the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and contribute to its implementation in the Asia-Pacific region;
 - (b) increase the participation of communities, groups and individuals in safeguarding intangible cultural heritage in the Asia-Pacific region;
 - (c) enhance the capacity of the Asia-Pacific Member States of UNESCO in safeguarding ICH, particularly by strengthening the capacities of concerned personnel;
 - (d) foster regional and international cooperation for safeguarding ICH.
2. In order to achieve the above objectives, the specific functions of the Centre will be to:
 - (a) organize long-term and short-term training courses including classroom training and field-based training on the following subjects, and grant financial support to trainees in need of assistance:
 - the 2003 Convention and its Operational Directives;
 - different examples of policies including legal, administrative, technical and financial measures fostering the safeguarding of ICH;
 - introduction to UNESCO publications on identification and documentation of ICH and their application in the field work;
 - teaching ICH in formal and non-formal education, including courses of theory and practice training.
 - (b) mobilize international and Chinese experts as well as scientific NGOs specialized in the different domains of ICH to work as instructors and advisors of the above-mentioned training activities.
 - (c) enhance international and regional cooperation with institutions active in the domain of ICH, notably those established under the auspices of UNESCO (category 2).
3. The Centre's activities and programmes shall be carried out in conformity with the 2003 Convention and, in particular, its purposes and objectives and definitions (Articles 1 and 2).

Article 8 Governing Board

1. The Centre shall be guided and supervised by a Governing Board renewed every four years and composed of:
 - (a) a representative of the Government of the People's Republic of China;
 - (b) up to three representatives of the Member States of UNESCO making a substantial contribution to the Centre and to the field of ICH, which shall send to the Director-General of UNESCO notification, in accordance with the stipulations of Article 3, paragraph 2, above while ensuring, as far as possible, equitable geographical representation;

- (c) a representative of the Director-General of UNESCO;
- (d) one representative of the Chinese Academy of Social Sciences; and
- (e) one representative of the Minzu University of China.

The following shall participate in the Governing Board as non-voting members:

- (f) the Director of the Centre;
- (g) a representative of the Chinese National Commission for UNESCO;
- (h) up to two representatives of any other intergovernmental organizations or non-governmental organizations, which can be accorded a seat each, by the decision of the Governing Board taken in accordance with its rules of procedure.

2. The Governing Board shall:

- (a) elect members of the Executive Committee;
- (b) approve the long-term and medium-term programmes of the Centre;
- (c) approve the annual work plan and budget of the Centre, including the staffing table;
- (d) examine the annual reports submitted by the Director of the Centre;
- (e) issue the rules and regulations and determine the financial, administrative and personnel management procedures of the Centre;
- (f) 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 convened by its Chairperson, either on his or her own initiative or at the request of the Director-General of UNESCO or of a majority 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 9 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 determines, such powers as it deems necessary.

Article 10 The Advisory Committee

In order to provide the Governing Board and the Executive Committee with necessary scientific advisory services, the Governing Board may constitute an Advisory Committee, whose membership it determines, with such powers as it deems necessary.

Article 11 Secretariat

1. The Centre's secretariat shall consist of a Director, a Deputy 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) the Deputy Director and any other person appointed by the Director, in accordance with the procedures laid down by the Governing Board;
 - (b) Government officials who are made available to the Centre, as provided by Government regulations;
 - (c) members of UNESCO's staff who are temporarily seconded and made available to the Centre, as provided for by UNESCO's regulations and by the decisions of its governing bodies.

Article 12 Duties of the Director

The Director shall discharge the following duties:

- (a) direct the work of the 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 or she may deem useful for the administration of the Centre;
- (d) prepare reports on the Centre's activities to be submitted to the Governing Board;
- (e) represent the Centre in law and in all civil acts.

Article 13 Contribution of UNESCO

1. UNESCO shall provide assistance in the form of a technical contribution for the activities of the Centre, in accordance with the strategic goals and objectives of UNESCO.
2. UNESCO undertakes to:
 - (a) provide the assistance of its experts in the specialized fields of the Centre;
 - (b) include the Centre in various activities which it implements and in which the participation of the latter seems in conformity with and beneficial to UNESCO's and the Centre's objectives;
 - (c) provide the Centre with relevant information on its programmes related to ICH.

3. In all the cases listed above, such assistance shall not be undertaken except within the provisions of UNESCO's programme and budget.

Article 14 **Contribution of the Government**

1. The Government shall provide all the resources, either financial or in kind, needed for the administration and proper functioning of the Centre.

2. The Government undertakes to:

- (a) cover the cost of salaries and compensations of the staff including the Director, and the funds necessary for the implementation of the Centre's activities including the cost of holding the sessions of the Governing Board and the Executive Committee;
- (b) make available to the Centre required office space, classrooms, meeting rooms, equipment and other facilities for its secretariat;
- (c) entirely assume the maintenance of the premises and cover the cost of communication, and other utilities;
- (d) make available to the Centre the administrative staff necessary for the performance of its functions, which shall comprise two accountants, two drivers and four to five office staff;
- (e) contribute to the Centre a total amount of at least \$500,000 annually to cover the Centre's costs as described in Article 14.2 (a), (b), (c) and (d).

Article 15 **Privileges and immunities**

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

Article 16 **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 17 **Evaluation**

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in order to ascertain:

- (a) whether the Centre makes a significant contribution to the strategic goals of UNESCO;
- (b) whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.

2. UNESCO undertakes to submit to the Government, at the earliest opportunity, a report on any evaluation conducted.

Article 18
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 19
Entry into force

This Agreement shall enter into force, following its signature by the contracting parties, when they have informed each other in writing that all the formalities required to that effect by the domestic law of the People's Republic of China and by UNESCO's internal regulations have been completed. The date of receipt of the last notification shall be deemed to be the date of entry into force of this Agreement.

Article 20
Duration

This Agreement is concluded for a period of six years as from its entry into force, and may be tacitly renewed.

Article 21
Denunciation

1. Each of the contracting parties shall be entitled to denounce this Agreement unilaterally.
2. The denunciation shall take effect within sixty days following receipt of the notification sent by one of the contracting parties to the other.

Article 22
Revision

This Agreement may be revised by consent between the Government and UNESCO.

Article 23
Settlement of disputes

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if 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 a representative of the Government, another by the Director-General of UNESCO, and a third, who shall preside over the tribunal, shall be chosen by the first two. If the two arbitrators cannot agree on the choice of a 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 English language, on [...]

.....

For the United Nations Educational,
Scientific and Cultural Organization

.....

For the Government



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-first session

181 EX/17 Part VI

PARIS, 27 March 2009
Original: English

Item 17 of the provisional agenda

REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES UNDER THE AUSPICES OF UNESCO

PART VI

PROPOSAL FOR THE ESTABLISHMENT IN THE REPUBLIC OF KOREA OF AN INTERNATIONAL INFORMATION AND NETWORKING CENTRE FOR INTANGIBLE CULTURAL HERITAGE IN THE ASIA-PACIFIC REGION AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

SUMMARY

At the 179th session of the Executive Board, the Government of the Republic of Korea submitted a “proposal for the establishment in the Republic of Korea of an Asia-Pacific regional centre for the safeguarding of the intangible cultural heritage, as a category 2 centre under the auspices of UNESCO” (179 EX/46). The Executive Board requested the Director-General to carry out a feasibility study on the proposed category 2 centre (179 EX/Decision 46).

The present document consists of a report by the Director-General assessing the feasibility of the proposed centre, supplemented by a Draft Agreement (Annex II) addressing functional, legal, managerial and administrative aspects of the proposed centre, which has been elaborated through a process of consultation between the Government of the Republic of Korea and the UNESCO Secretariat. The feasibility study was undertaken in conformity with the “Guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2)”, as approved by the General Conference in 33 C/Resolution 90.

Financial (see para. 11 of the document, as well as Article 13 of the Draft Agreement) and administrative implications (see para. 14, as well as Article 12) are indicated (see also para.18).

Action expected of the Executive Board: proposed decision in paragraph 19.

INTRODUCTION

1. At the 33rd session of the General Conference, the Government of the Republic of Korea announced its intention to set up an intangible cultural heritage (henceforth ICH) centre for the Asia-Pacific region under the auspices of UNESCO (category 2). In September 2006, the Government established an institute in preparation for the establishment of such a centre. In conformity with the “Guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2)”, contained in 33 C/Resolution 90, the Government of the Republic of Korea submitted a Request for Action for the establishment of the centre, which was presented to the Executive Board at its 179th session (179 EX/46).
2. At the same session of the Executive Board, the Government of the People’s Republic of China presented its request to establish a similar regional centre (179 EX/44) and the Government of Japan announced its intention to propose the establishment in Japan of a third such centre. The Executive Board, in response to the proposal of the Government of the Republic of Korea, requested the Director-General to carry out a feasibility study on the proposed category 2 centre (179 EX/Decision 46).
3. Taking into account the Executive Board’s decisions and the Japanese Government’s request, and following a suggestion by the Director-General, authorities of the three countries met in the Republic of Korea in August 2008 to define modalities for cooperation of the proposed centres, as well as their respective specializations. The resulting Memorandum (Annex I) identifies “information and networking” as the special focus for the centre to be established in the Republic of Korea. In November 2008 the Government submitted to the Director-General a revised Request for Action reflecting the outcome of those tripartite deliberations and proposing to establish the International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region (hereafter, “the Centre”).
4. A UNESCO mission was sent to the Republic of Korea in January 2009 in order to assess the feasibility of establishing the proposed Centre. Prior to and during the mission, the authorities of the Republic of Korea provided additional documents concerning the Centre’s organizational development plans, legal personality, staffing, cooperating national institutions, existing international cooperation and commitments of the Government. This report is based on the revised Request for Action, this additional documentation and meetings with officials and representatives of the organizations mentioned in this document.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

5. The attached Draft Agreement (Annex II) addresses the requirements specified in the guidelines adopted by the General Conference in 33 C/Resolution 90. The most relevant aspects of the proposal are presented below.
6. The Centre shall specialize in **information and networking** and its objectives shall be to:
 - (a) promote the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and contribute to its implementation in the Asia-Pacific region;
 - (b) increase the participation of communities, groups and individuals in safeguarding ICH, and raise awareness of and ensure respect for ICH in the Asia-Pacific region;
 - (c) enhance the capacity for safeguarding ICH in the Asia-Pacific region through coordination and dissemination of information;
 - (d) foster regional and international cooperation for the safeguarding of ICH.

7. In order to achieve the above objectives, the specific functions of the Centre will be to:
- (a) establish an information system, support identification and documentation of ICH, conserve and digitize archival materials and support the development of metadata standards;
 - (b) disseminate the accumulated data on ICH in informational and promotional materials, and promote the protection of intellectual property rights of ICH practitioners and creators included in such informational materials;
 - (c) build networks among concerned communities, groups and individuals to reinforce transmission and dissemination of ICH, organize public events and meetings at the regional and international levels;
 - (d) strengthen international and regional networks to exchange information and knowledge concerning the safeguarding of ICH.

The Centre's activities and programmes shall be carried out in conformity with the 2003 Convention and, in particular, its purposes and objectives and definitions (Articles 1 and 2).

8. In the territory of the Republic of Korea and under its national legislation, the Centre shall enjoy the legal personality and autonomous legal capacity necessary to exercise its functions, receive subsidies, obtain payments for services rendered and carry out the acquisition of assets, services and all other necessary means. The existing preparatory institute has been a part of the Cultural Heritage Foundation, which is an independent legal entity established under the Cultural Heritage Protection Act of Korea. In order for the future category 2 centre to become fully independent, a bill to amend the Cultural Heritage Protection Act will be put forward to the National Assembly immediately after the approval by the UNESCO General Conference in October 2009.

9. The governing structure will consist of two entities, a Governing Board and an Executive Committee, which will be assisted by the Secretariat of the Centre. A representative of the Director-General of UNESCO shall be a member of the Governing Board. The functions and composition of these entities are described in Articles 8 to 10 of the Draft Agreement (Annex II). The Secretariat will be headed by the Director of the Centre (see Article 11). The Secretariat will be composed of three divisions: Planning and Administration, Network and Cooperation, and Information and Research, and will be endowed with a minimum permanent staff of nine persons including the Director. Staff members now working for the preparatory institute will continue once the Centre is re-established under its own legal personality.

10. In the short term, the Centre will be located in Daejeon, where it has offices, an archive, a media laboratory and related facilities and equipment on the premises of the National Research Institute of Cultural Heritage. It is foreseen that the Centre will move in 2012 to an entire building (1,700 m²) attributed to it within the Asia-Pacific Intangible Cultural Heritage Complex to be constructed in Jeonju.

11. In the Draft Agreement (Annex II), the Government of the Republic of Korea commits itself to provide the Centre a minimum amount of US \$500,000 annually to cover the cost of the Centre's information and networking activities and administrative running costs. UNESCO's assistance to the Centre will be technical, and will be provided only within the provisions of UNESCO's programme and budget.

12. UNESCO's Medium-Term Strategy (2008-2013) (34 C/4) emphasizes the need to safeguard intangible cultural heritage and to build national capacities in this domain (para. 107). The Strategy also highlights South-South cooperation and North-South-South triangular cooperation as one of the main programmatic features (para. 28). The Draft Programme and Budget for 2010-2011 (35 C/5, in preparation) can similarly be expected to identify safeguarding heritage in its various

dimensions as a biennial priority for Major Programme IV Culture. Moreover, through the functions mentioned above, the Centre will contribute to the objectives mentioned in Article 1 of the Convention for the Safeguarding of the Intangible Cultural Heritage, in particular, the first (“safeguarding ICH”) and the last (“providing for international cooperation and assistance”). The principal activities of the Centre are thus in line with UNESCO’s strategies, objectives and programmes.

13. In its preparatory work for establishing the proposed Centre since 2006, the Government of the Republic of Korea has mobilized the expertise of a large number of Korean institutions and organizations active in the field of intangible cultural heritage, including, *inter alia*, the National Research Institute of Cultural Heritage, the Korean National University of Cultural Heritage, the Korea Cultural Heritage Foundation and the Korea Culture and Content Agency. It has also initiated bilateral cooperation in safeguarding ICH with several countries in the Asia-Pacific region, including in particular projects aimed at networking and information exchange and at the utilization of information and communication technology in the service of safeguarding. These experiences of networking at both the national and international levels provide a solid basis for the Centre’s future contributions in the Asia-Pacific region.

14. During the initial stage, UNESCO may fulfil its function as a catalyst by sharing its technical and organizational competence. It may notably transmit to the Centre in-depth knowledge of the 2003 Convention and its Operational Directives as well as other related subjects. UNESCO may also assist the Centre in identifying international organizations, NGOs and international experts specialized in safeguarding ICH inside and outside the region.

15. Through the Centre’s information activities and networks, UNESCO’s programme in the field of ICH may benefit significantly as they will permit the Organization to be better informed about the countries in the region, their capacities and needs. The Centre will certainly increase the visibility in the region of the 2003 Convention and of UNESCO’s related action, which may help UNESCO in achieving universal adherence to the Convention.

SUMMARY EVALUATION OF THE PROPOSAL SUBMITTED

16. From the document review, meetings and interviews, it may be concluded that the proposed Centre meets the criteria for the creation of institutes and centres under the auspices of UNESCO (category 2) specified in document 171 EX/18. Established in 2006, the preparatory institute for a category 2 centre has achieved significant results in laying down the legal, administrative, financial and material infrastructure of the Centre and is ready to assume the responsibilities of a regional commitment under the auspices of UNESCO.

17. The points cited above indicate the high viability of the Centre proposed by the Republic of Korea and the benefits it may bring to the Asia-Pacific region, UNESCO and the Republic of Korea. Its establishment would be in line with the strategy for institutes and centres under the auspices of UNESCO (category 2) as approved by the General Conference in 33 C/Resolution 90. The Director-General therefore welcomes the proposed establishment in the Republic of Korea of the International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region, as a category 2 centre under the auspices of UNESCO, and suggests that UNESCO’s governing bodies give it due consideration.

18. **Financial and administrative implications:** The financial implications of the proposed centre are indicated in paragraph 11 above and in Article 13 of the Draft Agreement attached as Annex II. The administrative implications of the proposed centre are indicated in paragraph 14 above and in Article 12 of the Draft Agreement. These financial and administrative implications are not of a policy nature.

ACTION EXPECTED OF THE EXECUTIVE BOARD

19. In the light of the above, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 33 C/Resolution 90 concerning the “Principles and guidelines regarding the establishment and operation of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2)”,
2. Further recalling 179 EX/Decision 46,
3. Having examined document 181 EX/17 Part VI and its Annexes,
4. Taking note of the understanding reached in August 2008 in Seoul, Republic of Korea, by China, Japan and the Republic of Korea on terms of cooperation and specialization for the three intangible cultural heritage centres they have proposed to establish under the auspices of UNESCO,
5. Recognizing the significant progress in the preparation of the Centre made by the authorities of the Republic of Korea since the 179th session of the Executive Board,
6. Welcomes the proposal of the Government of the Republic of Korea to establish in its territory the International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO, in conformity with the Guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2) as approved by the General Conference in Annex I to 33 C/Resolution 90;
7. Recommends to the General Conference at its 35th session that it approve the establishment in the Republic of Korea of the International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region as a centre under the auspices of UNESCO (category 2), and that it authorize the Director-General to sign the Agreement contained in Annex II to document 181 EX/17 Part VI.

ANNEX I

MEMORANDUM

AMONG

THE AGENCY FOR CULTURAL AFFAIRS OF JAPAN,

THE CULTURAL HERITAGE ADMINISTRATION OF THE REPUBLIC OF KOREA

AND

THE MINISTRY OF CULTURE OF THE PEOPLE'S REPUBLIC OF

CHINA

ON THE ESTABLISHMENT OF UNESCO INTANGIBLE CULTURAL

HERITAGE CENTRES FOR THE ASIA-PACIFIC REGION

The Ministry of Culture of China, the Agency for Cultural Affairs of Japan and the Cultural Heritage Administration of the Republic of Korea (hereinafter referred to as the "Three Sides"),

Desiring to establish and operate a UNESCO Intangible Cultural Heritage Centre for the Asia-Pacific Region (hereinafter referred to as a "Centre") in each country to promote the safeguarding of the intangible cultural heritage present in the Asia-Pacific region and, eventually, to contribute to the efforts of the international community to safeguard its valuable intangible cultural heritage,

Have reached the following recognition:

1. The Three Sides, recalling the spirit of the Convention for the Safeguarding of the Intangible Cultural Heritage, will strengthen cooperation with a view to establishing and operating a Centre in the territory of each of the three countries.
2. The Three Sides will encourage and promote the sharing of information regarding the establishment and operation of the Centres, the implementation of joint research projects, and the exchange of human resources.
3. Once a Centre is established in the territory of each of the three countries, the three Centres will formulate an action plan through mutual consultations and have regular meetings to discuss ways to ensure stronger cooperation and synergy effect among them.
4. The Three Sides will decide upon the respective specializations, where each Centre will play its major roles and functions, as follows (written in alphabetical order).

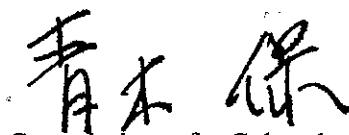
(1) Centre in China: Training

(2) Centre in Japan: Research

(3) Centre in the Republic of Korea: Information and Networking

5. The three Centres will support each other, when conducting projects in their specialized functions.
6. The cooperation under this Memorandum will commence on the date of signature by all Three Sides.

FOR THE AGENCY FOR
CULTURAL AFFAIRS OF
JAPAN



Commissioner for Cultural
Affairs of Japan

On the 6 of Nov. 2008

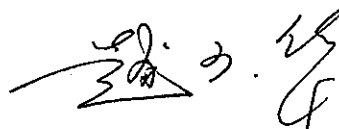
FOR THE CULTURAL
HERITAGE
ADMINISTRATION OF
THE REPUBLIC OF
KOREA



Administrator of the Cultural
Heritage Administration of
the Republic of Korea

On the 13th of Oct. 2008

FOR THE MINISTRY OF
CULTURE OF THE
PEOPLE'S REPUBLIC OF
CHINA



Vice Minister of Culture of
the People's Republic of
China

On the 31 of Oct. 2008

ANNEX II

DRAFT AGREEMENT BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF KOREA

AND

**THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION (UNESCO)**

**REGARDING THE ESTABLISHMENT IN THE REPUBLIC OF KOREA OF AN INTERNATIONAL
INFORMATION AND NETWORKING CENTRE FOR INTANGIBLE CULTURAL HERITAGE
IN THE ASIA-PACIFIC REGION UNDER THE AUSPICES OF UNESCO (CATEGORY 2)**

The Government of the Republic of Korea

and

the United Nations Educational, Scientific and Cultural Organization,

Recalling the Convention for the Safeguarding of the Intangible Cultural Heritage, which was adopted in 2003 by the General Conference at its 32nd session and entered into force in April 2006,

Considering that the Director-General has been authorized by the General Conference to conclude with the Government of the Republic of Korea an agreement in conformity with the draft that 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 1
Interpretation**

1. In this Agreement, "UNESCO" refers to the United Nations Educational, Scientific and Cultural Organization.
2. "The Government" refers to the Government of the Republic of Korea.
3. "The Centre" refers to the International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region.
4. "CHA" refers to the Cultural Heritage Administration of the Republic of Korea.
5. "The 2003 Convention" refers to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.
6. "ICH" refers to Intangible Cultural Heritage.

Article 2 Establishment

The Government shall agree to take, in the course of the year 2010, any measures that may be required for the setting up in the Republic of Korea, as provided for under this Agreement, of an International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region.

Article 3 Participation

1. The Centre shall be an autonomous institution at the service of Member States and Associate Members of UNESCO which, 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 4 Purpose of the Agreement

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

Article 5 Juridical personality

The Centre shall possess legal personality, with the capacity, *inter alia*, to contract, acquire and dispose of movable and immovable property and to institute legal proceedings in accordance with the laws of Korea.

Article 6 Constitution

The Constitution of the Centre must include provisions concerning:

- (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 acquire all means necessary for its functioning;
- (b) a governing structure for the Centre allowing UNESCO representation within its governing bodies.

Article 7 Objectives and functions

1. The Centre shall specialize in **information and networking** and its objectives shall be to:
 - (a) promote the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and contribute to its implementation in the Asia-Pacific region;
 - (b) increase the participation of communities, groups and individuals in safeguarding ICH, and raise awareness of and ensure respect for ICH in the Asia-Pacific region;

- (c) enhance the capacity for safeguarding ICH in the Asia-Pacific region through coordination and dissemination of information;
 - (d) foster regional and international cooperation for the safeguarding of ICH.
2. In order to achieve the above objectives, the specific functions of the Centre will be to:
- (a) establish an information system to ensure effective management of ICH data through the construction of a database, support identification and documentation of ICH, conserve and digitize archival materials and support the development of metadata standards;
 - (b) make use of the accumulated information and data on ICH for the purpose of dissemination, produce and publish informational and promotional materials, and promote the protection of intellectual property rights of ICH practitioners and creators who are included in documentation and informational materials;
 - (c) build networks among concerned communities, groups and individuals to reinforce transmission and dissemination of ICH, organize public events and meetings at the regional and international level;
 - (d) strengthen international and regional networks to exchange information and knowledge concerning the safeguarding of ICH, particularly among ICH centres and institutes including those established under the auspices of UNESCO (category 2), as well as among individual ICH specialists.
3. The Centre's activities and programmes shall be carried out in conformity with the 2003 Convention and, in particular, its purposes and objectives and definitions (Articles 1 and 2).

Article 8 Governing Board

1. The Centre shall be guided and supervised by a Governing Board renewed every two years and composed of:
- (a) the Administrator of CHA or his/her appointed representative, who shall be the *ex-officio* Chairperson of the Governing Board;
 - (b) two representatives of the Government of the Republic of Korea;
 - (c) up to five representatives of the Member States of UNESCO making a substantial contribution to the Centre and to the field of ICH, which shall send to the Director-General of UNESCO notification, in accordance with the stipulations of Article 3, paragraph 2 above, while ensuring, as far as possible, equitable geographical representation;
 - (d) a representative of the Director-General of UNESCO;
 - (e) up to two representatives of the associated and cooperative organizations of the Republic of Korea;
 - (f) up to two representatives of any other intergovernmental organizations or non-governmental organizations, which can be accorded a seat by the decision of the Governing Board.

The Director of the Centre shall participate in the Governing Board as a non-voting member.

2. The Governing Board shall:
 - (a) elect members of the Executive Committee;
 - (b) approve the long-term and medium-term programmes of the Centre;
 - (c) approve the annual work plan and budget of the Centre, including the staffing table;
 - (d) examine the annual reports submitted by the Director of the Centre;
 - (e) issue the rules and regulations and determine the financial, administrative and personnel management procedures of the Centre;
 - (f) 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 convened by its Chairperson, either on his/her own initiative or at the request of the Director-General of UNESCO or of two thirds 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 9 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 determines, such powers as it deems necessary.

Article 10 Secretariat

1. The Centre's secretariat shall consist of a Director and such staff as are 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) any person appointed by the Director, in accordance with the procedures laid down by the Governing Board;
 - (b) government officials who are made available to the Centre, as provided by government regulations;
 - (c) members of UNESCO's staff who are temporarily seconded and made available to the Centre, as provided for by UNESCO's regulations and by the decisions of its governing bodies.

Article 11
Duties of the Director

The Director shall discharge the following duties:

- (a) direct the work of the 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 Centre;
- (d) prepare reports on the Centre's activities to be submitted to the Governing Board;
- (e) represent the Centre in law and in all civil acts.

Article 12
Contribution of UNESCO

1. UNESCO shall provide assistance in the form of a technical contribution for the activities of the Centre, in accordance with the strategic goals and objectives of UNESCO.
2. UNESCO undertakes to:
 - (a) provide the assistance of its experts in the specialized fields of the Centre;
 - (b) include the Centre in various activities which it implements and in which the participation of the latter seems in conformity with and beneficial to UNESCO's and the Centre's objectives;
 - (c) provide the Centre with relevant information on its programmes related to ICH.
3. In all the cases listed above, such assistance shall not be undertaken except within the provisions of UNESCO's programme and budget.

Article 13
Contribution of the Government

1. The Government, through the Cultural Heritage Administration, shall provide all the resources, either financial or in kind, needed for the administration and proper functioning of the Centre.
2. The Government undertakes to:
 - (a) cover the cost of salaries and compensations of the staff including the Director, and the funds necessary for the implementation of the Centre's activities including the cost of holding the sessions of the Governing Board and the Executive Committee;
 - (b) make available to the Centre required office space, documentation rooms, meeting rooms, equipment and other facilities for its secretariat;
 - (c) entirely assume the maintenance of the premises and cover the cost of communication, and other utilities;

- (d) contribute to the Centre a minimum amount of US \$500,000 annually;
- (e) make available to the Centre the administrative staff necessary for the performance of its functions, which shall comprise an accountant and technical support personnel.

Article 14 Privileges and immunities

The Government shall apply, with regard to representatives of the Member States of UNESCO, members of the staff of the United Nations and United Nations specialized agencies and experts, who come to the Centre at the invitation of UNESCO from outside the country to perform functions in connection with the Centre, the relevant provisions of the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies.

Article 15 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 16 Evaluation

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in order to ascertain:
 - (a) whether the Centre makes a significant contribution to the strategic goals of UNESCO;
 - (b) whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.
2. UNESCO undertakes to submit to the Government, at the earliest opportunity, a report on any evaluation conducted.

Article 17 Use of the 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 letterhead and documents in accordance with the conditions established by the governing bodies of UNESCO.

Article 18 Entry into force

This Agreement shall enter into force, following its signature by the contracting parties, when they have informed each other in writing that all the formalities required to that effect by the domestic law of the Republic of Korea and by UNESCO's internal regulations have been completed. The date of receipt of the last notification shall be deemed to be the date of entry into force of this Agreement.

Article 19
Duration

This Agreement is concluded for a period of six years as from its entry into force, and may be tacitly renewed.

Article 20
Denunciation

1. Each of the contracting parties shall be entitled to denounce this Agreement unilaterally.
2. The denunciation shall take effect within 60 days following receipt of the notification sent by one of the contracting parties to the other.

Article 21
Revision

This Agreement may be revised by consent between the Government and UNESCO.

Article 22
Settlement of disputes

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if 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 a representative of the Government, another by the Director-General of UNESCO, and a third, who shall preside over the tribunal, shall be chosen by the first two. If the two arbitrators cannot agree on the choice of a 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 duplicate in the Korean and English languages, each text being equally authentic on [...]

.....
For the United Nations Educational,
Scientific and Cultural Organization

.....
For the Government



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-first session

181 EX/17 Part VII Rev.

PARIS, 6 April 2009
Original: English

Item 17 of the provisional agenda

REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES UNDER THE AUSPICES OF UNESCO

PART VII

PROPOSAL FOR THE ESTABLISHMENT IN JAPAN OF AN INTERNATIONAL RESEARCH CENTRE FOR INTANGIBLE CULTURAL HERITAGE IN THE ASIA-PACIFIC REGION AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

SUMMARY

At the 179th session of the Executive Board, the Government of Japan announced its intention to propose the establishment in Japan of a regional centre for the safeguarding of the intangible cultural heritage in the Asia-Pacific region, as a category 2 centre under the auspices of UNESCO. The centre proposed by Japan will complement in its programmes and activities the two centres proposed respectively by the Government of China and the Government of the Republic of Korea, all to be considered by the Executive Board at the present session.

The present document consists of a report by the Director-General assessing the feasibility of the proposed centre, supplemented by a Draft Agreement (Annex II), addressing functional, legal, managerial and administrative aspects of the proposed centre, that has been elaborated through a process of consultation between the Government of Japan and the UNESCO Secretariat. The feasibility study was undertaken in conformity with the Guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2), as approved by the General Conference in 33 C/Resolution 90.

Financial (see paragraph 11 of the document, as well as Article 9 of the Draft Agreement) and administrative implications (see paragraph 14, as well as Article 8) are indicated (see also paragraph 19).

See also document 181 EX/INF.20 submitted by Japan.

Action expected of the Executive Board: decision proposed in paragraph 20.

INTRODUCTION

1. At the 179th session of the Executive Board, the Government of Japan announced its intention to propose the establishment in Japan of a regional centre for the safeguarding of the intangible cultural heritage in the Asia-Pacific region, as a category 2 centre under the auspices of UNESCO. This intention was confirmed by a letter to the Director-General of UNESCO in June 2008, which also contained a Request for Action, submitted in conformity with the “Guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2)”, contained in 33 C/Resolution 90.
2. The Government of Japan’s announcement was made in the context of the Executive Board’s discussion of documents 179 EX/44 and 179 EX/46 concerning proposals for the establishment of similar centres in China and the Republic of Korea, respectively. Following a suggestion by the Director-General, the three Member States met to discuss future cooperation and coordination. The results of that meeting, which took place on 5 August 2008 in Seoul, Republic of Korea, were laid down in a Memorandum (Annex 1) outlining terms for cooperation and the following specializations for the centres: “training” (China), “research” (Japan) and “information and networking” (Republic of Korea).
3. The Government of Japan in November 2008 sent a revised Request for Action to the Director-General reflecting the agreement reached in Seoul. To clearly identify the centre’s specialization, Japan proposed that it be named the International Research Centre for Intangible Cultural Heritage in the Asia-Pacific Region (“the Centre”). A UNESCO mission to Tokyo in order to assess the feasibility of establishing the proposed centre was undertaken in December 2008.
4. Japan highlighted (i) the increasing threats to the viability of the intangible cultural heritage (“ICH”) in the region; (ii) its longstanding traditions of recognition and legal protection of ICH; (iii) its longstanding traditions in studying that heritage and its transmission; and (iv) the operational and networking activities of various Japanese institutions and organizations concerning the safeguarding of ICH in the region.
5. UNESCO’s mission studied the objectives, scope, structure, legal status and financial arrangements proposed for the Centre, in addition to such issues as areas of cooperation with UNESCO, the regional impact of the Centre and the results expected from UNESCO’s contribution. This report is based on the revised Request for Action, additional documentation provided during the mission and meetings with representatives of the organizations mentioned herein.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

6. The attached Draft Agreement (Annex II) fulfils the programmatic requirements specified in the guidelines adopted by the General Conference in 33 C/Resolution 90, although it diverges from the standard “Model agreement between UNESCO and a Member State concerned regarding an institute or centre under the auspices of UNESCO (category 2)” as approved by the General Conference in Annex II to 33 C/Resolution 90, as explained below and in paragraph 18. The most relevant aspects of the proposal are presented below.
7. The **objectives** of the Centre are to:
 - (i) promote the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (“2003 Convention”) and its implementation in the Asia-Pacific region (“the region”);
 - (ii) enhance safeguarding of ICH in the region, while developing and mobilizing research as a tool for safeguarding;

- (iii) foster, coordinate and develop scientific, technical and artistic studies, as well as research methodologies.

8. In order to achieve the above objectives, the functions of the Centre will be to:

- (i) instigate and coordinate research into practices and methodologies of safeguarding endangered ICH in the region;
- (ii) assist countries in the region in implementing other research activities, while paying special attention to developing States;
- (iii) organize regional workshops and seminars focusing on research as a measure for safeguarding ICH and on research on safeguarding practices and methodologies;
- (iv) encourage and assist young researchers in the region engaging in research activities aimed at safeguarding ICH;
- (v) cooperate with other category 2 institutions active in the domain of safeguarding ICH, in the region and beyond; and
- (vi) initiate cooperation among interested institutions, while furthering technical assistance vis-à-vis developing countries in the region.

9. The centre shall be established in the territory of Japan and act under Japanese law as an integral part of the National Institutes for Cultural Heritage, Japan (NICH), an independent administrative institution that enjoys, according to Japanese law, the personality and legal capacity necessary for the exercise of its function. It should nevertheless be noted that the Centre itself will not have the autonomy foreseen in Articles 3 and 6 of the standard Model Agreement, nor its own personality and legal capacity as foreseen in Article 5 of that Model Agreement. NICH, which was created in 2007, is composed of six museums and heritage research institutions that would be joined by the proposed Centre.

10. A **Governing Board** will be constituted, including among its members a representative of the Director-General of UNESCO, to examine and adopt the long-term and medium-term programmes and the draft work plans and budgets submitted to it by the Director of the Centre. The long-term and medium-term programmes as well as the work plan and budget of the Centre shall satisfy the relevant legislative and regulatory requirements relating to NICH. The Centre's **secretariat** will consist of a Director and such staff as is necessary for its proper operation. The Director will be appointed, in consultation with the Director-General of UNESCO, by the Chairperson of the Governing Board who will himself be the Chief Executive of NICH. The staff will also be appointed by the Chairperson of the Governing Board rather than by the Director as foreseen in the standard Model Agreement (Article 10). Also diverging from the standard Model Agreement (Article 11), the Director will not have the duty to represent the Centre in law and in all civil acts.

11. By signing the Agreement, the Government of Japan will agree to take the appropriate measures, in accordance with its laws and regulations, which may be required for the Centre to receive adequate funds. The Centre's **financial resources** shall be derived from sums allotted by NICH, from such contributions as it may receive from other organizations, and from payments for services rendered. UNESCO's assistance to the Centre will be technical, and will be provided only within the provisions of UNESCO's programme and budget.

12. Through the functions mentioned above, the Centre will contribute to the objectives mentioned in Article 1 of the Convention for the Safeguarding of the Intangible Cultural Heritage, in particular, the first ("safeguarding ICH") and the last ("providing for international cooperation and assistance"). The Centre will assist Member States in the region in developing and utilizing research as a measure for safeguarding in the sense of Article 2.3 of the Convention, and also support other research activities mentioned in the Convention. Japan's long experience with

safeguarding ICH and with research in the social and human sciences will permit it to make important contributions in this respect.

13. The host countries of the three envisaged centres belong to the region's most experienced States in matters of safeguarding intangible heritage. Smooth cooperation of the three centres can assist institutions, officials and tradition-bearers throughout the region in strengthening their capacities in an integrated way. Common efforts can contribute to cost-efficiency, to sharing of expertise and to dialogue furthering understanding as advocated by the 2003 Convention. Japan has indicated that the Centre will cooperate closely with the two other proposed centres, and that expertise present in Japan will be mobilized to further cooperation among the Member States of the region, with an emphasis on developing States.

14. UNESCO may act as a catalyst during the initial period of the establishment of the Centre, in particular for the elaboration of sustainable cooperation and coordination between the three sister centres. By sharing its network and experiences in the region, and by mobilizing its worldwide expertise, UNESCO may further help the Centre in developing its programme and in setting up operational activities. The transfer of knowledge and expertise may take place in a concentrated way through short-term secondment of staff members of the Centre to UNESCO. Finally, UNESCO may propose the involvement of the Centre in the implementation of research-related activities that it will organize to assist Member States in pursuing the objectives of the 2003 Convention and contributing to UNESCO's programme.

15. The execution of UNESCO's programme in the field of ICH may benefit significantly from cooperation with the Centre, permitting UNESCO to be better informed about ICH developments in the region and to profit from research efforts coordinated by the Centre, for instance when developing new strategies and operational activities aimed at safeguarding ICH. The Centre may also increase the visibility in the region of the 2003 Convention and of UNESCO's ICH-related action. Together these contributions can assist UNESCO in implementing its medium-term strategic programme objective "sustainably protecting and enhancing cultural heritage" (Objective 11 of UNESCO's Medium-Term Strategy 2008-2013, Document 34 C/4).

SUMMARY EVALUATION OF THE PROPOSAL SUBMITTED

16. From the document review, meetings and interviews, it may be concluded that the expertise, experience and commitment of various Japanese institutions and organizations help ensure that the Centre may successfully pursue its functions as a laboratory of ideas and a catalyst for international cooperation. The commitment of Japan to cooperation further helps ensure that the Centre may significantly contribute to the promotion and implementation of the 2003 Convention, and consequently to UNESCO's objectives and activities in the field of safeguarding ICH.

17. The points cited above indicate the high viability of the Centre proposed by Japan and the benefits it may bring to the region, UNESCO and Japan. The Director-General welcomes the proposed establishment in Japan of the International Research Centre for Intangible Cultural Heritage, as a category 2 centre under the auspices of UNESCO, while noting that the Draft Agreement proposed by Japan diverges from the standard "Model agreement between UNESCO and a Member State concerned regarding an institute or centre under the auspices of UNESCO (category 2)" as approved by the General Conference in Annex II to 33 C/Resolution 90.

18. As indicated above (paragraphs 9 and 10), the Centre will not comply with all of the requirements foreseen in the Model Agreement established in 33 C/Resolution 90. It may further be noted that the Draft Agreement does not provide for settlement of disputes through an arbitration tribunal, as provided in Article 22 of the standard Model Agreement. The Japanese authorities nevertheless assured the Secretariat that these differences would not lead to differences in substance from what 33 C/Resolution 90 and its standard Model Agreement intend to achieve.

19. **Financial and administrative implications:** The financial implications of the proposed centre are indicated in paragraph 11 above and in Article 9 of the Draft Agreement attached as Annex 2. The administrative implications of the proposed centre are indicated in paragraph 14 above and in Article 8 of the Draft Agreement. These financial and administrative implications are not of a policy nature.

ACTION EXPECTED OF THE EXECUTIVE BOARD

20. In the light of the above, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 33 C/Resolution 90 concerning the “Principles and guidelines regarding the establishment and operation of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2)”,
2. Having examined document 181 EX/17 Part VII and its Annexes,
3. Taking note of the understanding reached in August 2008 in Seoul, Republic of Korea, by China, Japan and the Republic of Korea on terms of cooperation and specialization for the three intangible cultural heritage centres they have proposed to establish under the auspices of UNESCO,
4. Welcomes the proposal of the Government of Japan to establish in its territory an International Research Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO;
5. Takes note of the divergences between the standard “Model agreement between UNESCO and a Member State concerned regarding an institute or centre under the auspices of UNESCO (category 2)” as approved by the General Conference in Annex II to 33 C/Resolution 90 and the proposed Draft Agreement contained in Annex II of the present document;

[Option 1]

6. Recommends to the General Conference at its 35th session that it approve, on an exceptional basis, the establishment in Japan of the International Research Centre for Intangible Cultural Heritage in the Asia-Pacific Region as a centre under the auspices of UNESCO (category 2), and that it authorize the Director-General to sign the Agreement contained in Annex II to document 181 EX/17 Part VII.

[Option 2]

6. Invites the Director-General to continue discussions with the Government of Japan with a view to developing a new Draft Agreement that conforms as much as possible to the standard Model Agreement in 33 C/Resolution 90; and
7. Further invites the Director-General to present to it, at its 182nd session, the results of such discussions.

ANNEX I
MEMORANDUM
AMONG
THE AGENCY FOR CULTURAL AFFAIRS OF JAPAN,
THE CULTURAL HERITAGE ADMINISTRATION OF THE REPUBLIC OF KOREA
AND
THE MINISTRY OF CULTURE OF THE PEOPLE'S REPUBLIC OF
CHINA
ON THE ESTABLISHMENT OF UNESCO INTANGIBLE CULTURAL
HERITAGE CENTRES FOR THE ASIA-PACIFIC REGION

The Ministry of Culture of China, the Agency for Cultural Affairs of Japan and the Cultural Heritage Administration of the Republic of Korea (hereinafter referred to as the "Three Sides"),

Desiring to establish and operate a UNESCO Intangible Cultural Heritage Centre for the Asia-Pacific Region (hereinafter referred to as a "Centre") in each country to promote the safeguarding of the intangible cultural heritage present in the Asia-Pacific region and, eventually, to contribute to the efforts of the international community to safeguard its valuable intangible cultural heritage,

Have reached the following recognition:

1. The Three Sides, recalling the spirit of the Convention for the Safeguarding of the Intangible Cultural Heritage, will strengthen cooperation with a view to establishing and operating a Centre in the territory of each of the three countries.
2. The Three Sides will encourage and promote the sharing of information regarding the establishment and operation of the Centres, the implementation of joint research projects, and the exchange of human resources.
3. Once a Centre is established in the territory of each of the three countries, the three Centres will formulate an action plan through mutual consultations and have regular meetings to discuss ways to ensure stronger cooperation and synergy effect among them.
4. The Three Sides will decide upon the respective specializations, where each Centre will play its major roles and functions, as follows (written in alphabetical order).
 - (1) Centre in China: Training
 - (2) Centre in Japan: Research
 - (3) Centre in the Republic of Korea: Information and Networking

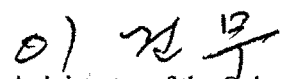
5. The three Centres will support each other, when conducting projects in their specialized functions.
6. The cooperation under this Memorandum will commence on the date of signature by all Three Sides.

FOR THE AGENCY FOR
CULTURAL AFFAIRS OF
JAPAN


Commissioner for Cultural
Affairs of Japan

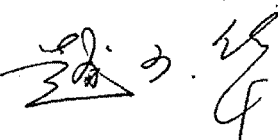
On the 6 of Nov. 2008

FOR THE CULTURAL
HERITAGE
ADMINISTRATION OF
THE REPUBLIC OF
KOREA


Administrator of the Cultural
Heritage Administration of
the Republic of Korea

On the 13th of Oct. 2008

FOR THE MINISTRY OF
CULTURE OF THE
PEOPLE'S REPUBLIC OF
CHINA


Vice Minister of Culture of
the People's Republic of
China

On the 31 of Oct. 2008

ANNEX II

DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN

AND

**THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION
(UNESCO)**

**REGARDING THE ESTABLISHMENT, IN JAPAN, OF AN INTERNATIONAL RESEARCH
CENTRE FOR INTANGIBLE CULTURAL HERITAGE IN THE ASIA-PACIFIC REGION
UNDER THE AUSPICES OF UNESCO (CATEGORY 2)**

The Government of Japan (hereinafter referred to as “the Government”)

and

The United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as “UNESCO”),

Taking into account that the Convention for the Safeguarding of the Intangible Cultural Heritage (hereinafter referred to as “the 2003 Convention”), which was adopted by the General Conference of UNESCO at its 32nd session in 2003, entered into force in 2006,

Further taking into account the promulgation in Japan, in 2006, of the Law on the Promotion of International Cooperation for the Protection of Cultural Heritage Abroad,

Desirous of defining the terms and conditions for the establishment, in Japan, of an International Research Centre for Intangible Cultural Heritage in the Asia-Pacific Region (hereinafter referred to as “the Centre”) under the auspices of UNESCO,

Have agreed as follows:

**Article 1
Establishment**

The Government agrees to take, in the course of the year 2011, within the limits of the laws and regulations of Japan, the appropriate measures that may be required for the establishment in Japan of the Centre, as provided for under this Agreement.

**Article 2
Participation**

1. The Centre will be at the service of Member States and Associate Members of UNESCO that, by their common interest in safeguarding the intangible cultural heritage, 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, may send the Director-General of UNESCO notification to this effect. The Director-General shall inform the Centre and the Member States of the receipt of such notifications.

Article 3 Legal Status

The Centre shall be an integral part of the National Institutes for Cultural Heritage, Japan (hereinafter referred to as “NICH”), which enjoys, in accordance with the laws and regulations of Japan, the legal personality and capacity necessary for the exercise of its functions, including the capacity to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings, in relation to the activities of the Centre.

Article 4 Objectives and functions

1. The objectives of the Centre will be:
 - (a) to promote the 2003 Convention and its implementation in the Asia-Pacific Region;
 - (b) to enhance safeguarding of the intangible cultural heritage in the Asia-Pacific Region, while developing and mobilizing research as a tool for safeguarding the intangible cultural heritage in the sense of Article 2.3 of the 2003 Convention; and
 - (c) to foster, coordinate and develop scientific, technical and artistic studies, as well as research methodologies, in the sense of Article 13 (c) of the 2003 Convention, in the Asia-Pacific Region.
2. In order to achieve the above objectives, the functions of the Centre will be:
 - (a) to instigate and coordinate research into practices and methodologies of safeguarding endangered intangible cultural heritage elements present in the Asia-Pacific Region, while cooperating with universities, research centres, community representatives and other governmental and non-governmental organizations in Japan and elsewhere in the Region;
 - (b) to assist countries in the Asia-Pacific Region in implementing other research activities as referred to in Articles 11, 12, 13 and 14 of the 2003 Convention, while paying special attention to developing countries;
 - (c) to organize workshops and seminars focusing on the role of research as a useful component for safeguarding the intangible cultural heritage and related practices and methodologies, involving experts, community representatives and administrators from the Asia-Pacific Region;
 - (d) to encourage and assist young researchers in the Asia-Pacific Region engaging in research activities related to safeguarding the intangible cultural heritage;
 - (e) to cooperate with other category 2 centres and institutions active in the domain of safeguarding the intangible cultural heritage, in the Asia-Pacific Region and beyond; and
 - (f) to initiate cooperation among all other interested institutions active in the domain of safeguarding the intangible cultural heritage, while furthering technical assistance vis-à-vis developing countries, in the Asia-Pacific Region.

Article 5 Governing Board

1. The Governing Board for the Centre shall be established.
2. The Governing Board, which will be renewed regularly, will be composed of:
 - (a) the Chief Executive of NICH, as the Chairperson;
 - (b) a representative of the Government of Japan or his or her appointed representative;
 - (c) a representative of the Japanese National Commission for UNESCO;
 - (d) a representative of up to three other Member States of UNESCO that will have sent to the Director-General of UNESCO a notification, in accordance with Article 2, paragraph 2 above, and that have expressed interest in being represented in the Governing Board;
 - (e) up to three representatives of Japanese universities and research institutes as well as local authorities; and
 - (f) a representative of the Director-General of UNESCO.
3. The Governing Board shall:
 - (a) examine and adopt the long-term and medium-term programmes of the Centre submitted by the Director of the Centre, subject to paragraph 4 below;
 - (b) examine and adopt the draft work plan and budget of the Centre submitted by the Director of the Centre, subject to paragraph 4 below;
 - (c) examine the reports on the Centre's activities submitted by the Director of the Centre;
 - (d) draw up and adopt any necessary internal regulations of the Centre, based on the relevant legislative and regulatory framework relating to NICH; and
 - (e) decide on the participation of other interested institutions in the activities of the Centre.
4. The long-term and medium-term programmes as well as the work plan and budget of the Centre shall satisfy the relevant legislative and regulatory requirements relating to NICH.
5. The Governing Board shall meet in ordinary session at regular intervals, at least once every two Japanese fiscal years; it shall meet in extraordinary session if convened by its Chairperson, either on his or her own initiative or at the request of the Director-General of UNESCO or of the majority of its members.
6. 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 determines, such functions as it deems necessary.
7. The Governing Board shall adopt its own rules of procedure. For its first meeting the procedure shall be established by the Government of Japan in consultation with UNESCO.

Article 6 Staff

1. The Centre shall consist of a Director and such staff as is required for the proper functioning of the Centre that may include members of UNESCO's staff who are temporarily seconded and made available to 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 Centre's staff shall be nominated by the Director for the appointment by the Chairperson of the Governing Board.

Article 7 Duties of the Director

The Director shall discharge the following duties:

- (a) prepare the long-term and medium-term programmes as well as the draft work plan and budget of the Centre to be submitted to the Governing Board;
- (b) direct the work of the Centre in conformity with the programmes and work plan adopted by the Governing Board;
- (c) prepare the provisional agenda for the sessions of the Governing Board while submitting any proposals that he or she may deem useful for the administration of the Centre;
- (d) prepare reports on the Centre's activities to be submitted to the Governing Board; and
- (e) discharge any other duties required for the proper functioning of the Centre, in pursuance of the programmes and work plan adopted by the Governing Board.

Article 8 Contribution of UNESCO

1. UNESCO may provide assistance, as needed, in the form of technical assistance for the activities of the Centre in accordance with the strategic goals and objectives of UNESCO.
2. UNESCO undertakes to:
 - (a) provide the assistance of its experts in the specialized fields of the Centre; and
 - (b) include the Centre in various activities which it implements and in which the participation of the latter seems in conformity with and beneficial to UNESCO's and the Centre's objectives.
3. In all the cases listed above, such assistance shall only be undertaken when it is provided for in UNESCO's programme and budget.

Article 9 Financial Matters

1. The Government shall take appropriate measures in accordance with the laws and regulations of Japan, which may be required for the Centre to receive adequate funds.

2. The Centre's resources shall derive from sums allotted by NICH, from such contributions as it may receive from any governmental, intergovernmental or non-governmental organizations, and from payments for services rendered.

Article 10 Responsibility of UNESCO

UNESCO shall not be legally responsible for the Centre and shall bear no liabilities of any kind with respect to the Centre, be they financial or otherwise, with the exception of the provisions expressly laid down in this Agreement.

Article 11 Evaluation

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in order to ascertain:

- (a) whether the Centre makes an important contribution to the strategic goals of UNESCO; and
- (b) whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.

2. UNESCO undertakes to submit to the Government, at the earliest opportunity, a report on any evaluation conducted.

Article 12 Use of UNESCO name and logo

1. The Centre may mention its affiliation with UNESCO and 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 13 Entry into force

This Agreement shall enter into force upon its signature.

Article 14 Duration

This Agreement shall remain in force for a period of five years after its entry into force and shall be renewed tacitly every five years.

Article 15 Denunciation

Notwithstanding Article 14 above, the Government or UNESCO may terminate this Agreement at any time by giving six months prior written notice to the other.

Article 16
Revision

This Agreement may be revised by agreement between the Government and UNESCO.

Article 17
Settlement of disputes

Any disputes between the Government and UNESCO regarding the interpretation or application of this Agreement shall be resolved through negotiation between them.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this Agreement.

DONE at (place), this Xth day of (month), 200Y, in duplicate in the English language.

.....

For the Government of Japan

.....

for the United Nations Educational, Scientific
and Cultural Organization



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-first session

181 EX/17

Part VII Rev. Corr.

PARIS, 20 April 2009

Original: English

Item 17 of the provisional agenda

REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES UNDER THE AUSPICES OF UNESCO

PART VII

PROPOSAL FOR THE ESTABLISHMENT IN JAPAN OF AN INTERNATIONAL RESEARCH CENTRE FOR INTANGIBLE CULTURAL HERITAGE IN THE ASIA-PACIFIC REGION AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

CORRIGENDUM

Article 4.2 (a) and 4.2 (b) of the Draft Agreement in Annex II should read as follows:

2. In order to achieve the above objectives, the functions of the Centre will be:
 - (a) to instigate and coordinate research into practices and methodologies of safeguarding endangered intangible cultural heritage elements present in the Asia-Pacific Region, while cooperating with universities, research institutions, community representatives and other governmental and non-governmental organizations in Japan and elsewhere in the Region;
 - (b) to assist, in terms of research, countries in the Asia-Pacific Region in implementing such measures as referred to in Articles 11, 12, 13 and 14 of the 2003 Convention, while paying special attention to developing countries; [...]

Article 5.2 (e) of the Draft Agreement in Annex II should read as follows:

2. The Governing Board, which will be renewed regularly, will be composed of:
[...]
 - (e) up to three representatives of Japanese universities and research institutions as well as local authorities; and [...]



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-first session

181 EX/17 Part VIII

PARIS, 27 March 2009
Original: English

Item 17 of the provisional agenda

REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES UNDER THE AUSPICES OF UNESCO

PART VIII

PROPOSAL FOR THE ESTABLISHMENT IN BAHRAIN OF AN ARAB REGIONAL CENTRE FOR WORLD HERITAGE (ARC-WH), AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

SUMMARY

This document presents the feasibility study concerning the proposal for the establishment of the Arab Regional Centre for World Heritage (ARC-WH) in Bahrain, as a category 2 centre under the auspices of UNESCO, in accordance with the "Principles and guidelines regarding the establishment and operation of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2) (33 C/Resolution 90).

The administrative and financial implications of this document are set out in paragraph 31 and in Articles XIII and XIV of the Annex to the present document.

Action expected of the Executive Board: proposed decision in paragraph 44.

I. Introduction

1. The Kingdom of Bahrain proposed the establishment of a regional centre in Bahrain for the reinforcement of the implementation of the World Heritage Convention in the Arab States region. The proposal was presented to the Director-General of UNESCO on 29 January 2008, on the occasion of a meeting at UNESCO Headquarters. The Director-General welcomed the proposal in principle, and invited Bahrain to present the initiative to the World Heritage Committee at its 32nd session (Quebec, Canada, 2-10 July 2008) and to consider launching the procedure towards the establishment of this institution as a category 2 centre under the auspices of UNESCO.
2. On 19 and 20 February 2008, an international consultation meeting was held in Bahrain to develop the proposal presented to the Director-General of UNESCO. The discussions in this meeting shaped a more detailed conceptual proposal for the establishment of an "Arab Regional Centre for World Heritage" (ARC-WH), (hereinafter ARC-WH) as a category 2 centre under the auspices of UNESCO.
3. The World Heritage Committee during its 32nd session examined the document submitted by the Government of Bahrain and in decision 32 COM 11.B (para. 10) "Warmly welcome(d) the proposal of the State Party of Bahrain ... and encourage(d) it to undertake a feasibility study and all necessary steps for the establishment of the centre as a category 2 centre under the auspices of UNESCO ...".
4. On 12 November 2008, the Kingdom of Bahrain submitted a "Request for action towards the establishment of the ARC-WH, as a category 2 centre under the auspices of UNESCO".
5. On 18 December 2008, a second consultation meeting on the establishment of the ARC-WH, took place in Bahrain. This meeting provided substantial feedback to the Bahraini authorities in terms of the objectives and possible modes of operation of the Institute. The results of this meeting have been incorporated into the feasibility study for the establishment of ARC-WH as a category 2 institute under the auspices of UNESCO.

II. Background

6. The proposed ARC-WH is rooted in the principles of the 1972 World Heritage Convention, which stresses the importance of efforts by States Parties "to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field" (Article 5).
7. The Operational Guidelines for the Implementation of the World Heritage Convention (February 2005) further request that "the high level of skills and multidisciplinary approach necessary for the protection, conservation, and presentation of the World Heritage" be developed by a "wide range of actors for better implementation of the Convention" (para. 213).
8. ARC-WH is meant to respond to the relevant provisions of the Operational Guidelines, including those concerning the Global Strategy for a Representative, Balanced and Credible World Heritage List (para. 55), which emphasizes the importance of regional studies and initiatives, and the need to support the periodic reporting process, in order "to provide a mechanism for regional cooperation and exchange of information and experiences between States Parties concerning the implementation of the Convention and World Heritage conservation" (para. 201).
9. ARC-WH is also intended to assist the implementation of the Global Training Strategy for World Cultural and Natural Heritage (Helsinki, 2001), seen by the World Heritage Committee as a principal means to achieve the "capacity-building" Strategic Objective adopted at the 26th session of the Committee in Budapest in 2002.

10. It is to be added that in 2000, the first periodic report for the Arab States region revealed the need to enhance the knowledge of the World Heritage Convention, the application of the Operational Guidelines and cooperation between the States Parties of the region.

11. ARC-WH has thus been designed to respond to the specific needs expressed in the periodic report, as well as to fulfil the expectations of the Global Strategy, within the framework of the principles of the World Heritage Convention and its Operational Guidelines.

III. Consideration of the feasibility of the proposed Centre

A. Nature, legal status and governance of ARC-WH

12. ARC-WH will be established by a Royal Decree in conformity with the Constitution of the Kingdom of Bahrain and with the approval of the Council of Ministers. This decree is to ensure that the "Arab Regional Centre for World Heritage" (ARC-WH) has the status of an autonomous and independent public institution according to Bahraini law, and that it enjoys – on the territory of the Kingdom of Bahrain – the personality and legal capacity necessary to exercise its functions, in particular the ability to contract, to institute legal proceedings, to receive subventions, to obtain payments for services rendered, to acquire and dispose of movable and immovable property and to acquire all necessary means to carry out its mandate.

13. ARC-WH will execute its activities and programmes by drawing on its own capacities and also on the capabilities of the Kingdom of Bahrain's government bodies, and those of universities, national, regional and international research centres, the World Heritage Centre and the Advisory Bodies to the World Heritage Committee and other governmental and nongovernmental organizations in the Kingdom of Bahrain and in the Arab States region, in accordance with Bahraini national regulations.

14. The constitution of ARC-WH shall include provisions concerning the granting of the powers noted above and the establishment of a governing structure for ARC-WH.

15. In its initial development phase, ARC-WH will operate through provision of interim staff and financing made available through the Government of the Kingdom of Bahrain. Once its programmes are fully established and its funding base is secure and sustainable, ARC-WH will maintain its own core faculty and technical and support staff.

16. The Government of the Kingdom of Bahrain has proposed measures, in accordance with its prevailing laws and regulations, to ensure that ARC-WH governance structure functions as required for UNESCO category 2 centres. This includes:

- a Governing Board to guide the activities of the institute and to oversee its operations and management;
- an Executive Committee whose members are chosen from the Governing Board, and representing the Board between meetings;
- an Advisory Committee offering technical advice on the Centre's programmes and activities;
- a Secretariat, functioning as Headquarters of the institute, which shall be composed of a Director and any other staff required for the effective operations of the Centre.

The composition and functions of the entities named above are described in detail in the Draft Agreement (UNESCO-Bahrain) annexed to this document.

17. The Governing Board shall include a representative from UNESCO.

B. Considerations in the internal organization of ARC-WH

The objectives and scope of the activities of the proposed institute/centre and the ability and the capacity of ARC-WH to meet its objectives;

18. The global objective of ARC-WH is to assist efforts of States Parties in the implementation of the World Heritage Convention in the Arab States region, in close cooperation with the World Heritage Centre. ARC-WH aims principally at being a relay for the action of the World Heritage Centre and its partners in the region by federating regional energies for the conservation, promotion and presentation of the region's cultural and natural heritage, in order to increase balanced representation of Arab States properties on the World Heritage List, promote better protection and management of such World Heritage properties, mobilize regional and international financial support for these purposes, and raise awareness of World Heritage in the region.

19. ARC-WH will organize its activities along three main axes:

- The provision of information relating to the World Heritage Convention and its application, including development and management of an Arabic language website, the translation and publication of relevant documents, and promotion of the establishment of new conservation programmes at universities, in all the Arab region States.
- The provision of assistance to States Parties in the region to improve their ability to implement the WH Convention (including understanding of WH policy, concepts, rules of procedure, preparation of tentative lists, preparation of nominations, monitoring of state of conservation, education programmes etc.) by facilitating organization of appropriate WH training at ARC-WH's premises or anywhere else in the region, and responding to State Party requests for assistance.
- The provision of logistical and financial support for regional activities in support of the WH Convention including hosting of meetings, conferences, training workshops or exhibitions in the region; the identification of appropriate facilities and services (lecture rooms, equipment, competent translators, etc.) for planned meetings for the WH Centre and other international institutions in the region, and the raising of funds to support World Heritage activities in the region.

20. ARC-WH will meet its objectives with the support of the Government of the Kingdom of Bahrain, in close coordination with existing international, regional and national agencies, initiatives and programmes concerned with World Heritage in the Arab States region including but not limited to:

- international organizations such as ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property, and in particular, its ATHAR programme to "protect and promote the rich cultural heritage in the Arab region";
- regional organizations such as ALECSO (The Arab League Educational, Cultural and Scientific Organization), Tunisia, ROPME (Regional Organisation for the Protection of the Marine Environment – Kuwait; UNEP), and PERSGA (Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden-Jeddah);
- national conservation agencies (the various Departments and Directorates of Antiquities in the region), and national conservation organisations such as CULTNAT (Centre for Documentation of Cultural and Natural Heritage), Egypt, affiliated with Bibliotheca Alexandrina and supported by the Ministry of Communications and Information Technology of Egypt), and CERKAS (Centre de Restauration et de Rehabilitation de zones atlasiques et sub-atlasiques), Morocco.

The financial sustainability of the proposed Institute

21. The Royal Decree of the Government of the Kingdom of Bahrain creating ARC-WH will ensure financial support through a separate budget to be allocated, on annual or biennial basis, by the Government of Bahrain, through the Ministry of Finance, following a decision of the Council of Ministers.

22. This annual budget will cover the costs of the operations of ARC-WH, including facilities to house the institute, and all equipment, utilities, services, and staff salaries. It will also cover the costs of a certain number of “regular activities” (e.g., website, translation and publication, exhibitions, information material, etc.), as defined by the Governing Board.

23. The Kingdom of Bahrain will also actively seek financial support for ARC-WH projects not financed by its annual budget through partnerships and funding or special arrangements with other international, regional and national organizations, such as the secondment of experts and specialists to the ARC-WH.

IV. Cooperation with UNESCO*Alignment of ARC-WH with the objectives and capacities of UNESCO*

24. The creation of ARC-WH will assist UNESCO to achieve the purposes and functions set out in its Constitution, in particular to assist UNESCO to “collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication”, to “maintain, increase and diffuse knowledge” and to encourage “cooperation among the nations in all branches of intellectual activity, including ... the exchange of publications, objects of artistic and scientific interest and other materials of information”.

25. ARC-WH will assist UNESCO to fulfil document 34 C/4, (Medium-Term Strategy for 2008-2013), and in particular Strategic Programme Objective 3 (Sustainably protecting and enhancing cultural heritage). Under the latter objective, ARC-WH in particular responds to UNESCO’s call “to coordinate action by local and international stakeholders and ... act as a meeting platform and honest broker, in particular, to promote new partnerships”. This objective also highlights one of ARC-WH’s main functions, the provision of information, seen to play “an increasingly important role in building knowledge societies” and one which requires “the creation, preservation and sharing of information as well as access” and “a range of actors from both governmental and non-governmental sources, operating at all levels – international, regional, national and local”.

26. ARC-WH will assist UNESCO to fulfil the strategic priorities and objectives of document 34 C/5 (Approved Programme and Budget 2008-2009). It responds directly to Biennial Sectoral Priority 1 (Promoting cultural diversity through the safeguarding of the heritage in its various dimensions and the enhancement of cultural expressions) and related main line of action 1 (Protecting and conserving immovable cultural and natural properties, in particular through the effective implementation of the World Heritage Convention). As already noted, the primary focus of ARC-WH is to improve implementation of the World Heritage Convention in the Arab States region.

27. In addition, it should be noted that under main line of action 6 (Mainstreaming within national policies of the links between cultural diversity, intercultural dialogue and sustainable development), document 34 C/5 calls for encouraging “South-South cooperation and North-South-South triangular cooperation so as to foster the emergence of a platform facilitating the sharing of cooperation experiences among developing countries” not by direct action in this field (fellowships, courses, subventions are to be discontinued) but rather by “cooperation with specialized institutions (for instance with ICCROM, ICOMOS and ICOM), and the systematic development of what are referred to as ‘category 2’ institutes and of some major ‘showcase’ projects”.

28. Over time, ARC-WH will align even more closely its mid- and long-term strategies with UNESCO's Constitution, and World Heritage Committee priorities and its Global Strategy, through close collaboration and consultation with the World Heritage Centre and its partners in the implementation of the World Heritage Convention in the Arab States region (including the Advisory Bodies to the World Heritage Committee), the various regional, cluster and national offices of UNESCO situated in the region, universities establishing UNESCO Chairs for conservation purposes, and Arab region States Parties.

29. UNESCO's contribution of appropriate support, experience and advice will enable ARC-WH to make best use of existing resources, experiences and expertise in and beyond the Arab States region, in improving coordinated and integrated efforts among all parties involved with World Heritage inscription and protection in the region, and in this way strengthen implementation of the World Heritage Convention.

30. From the technical point of view, the cooperation between ARC-WH and the UNESCO World Heritage Centre and its partners may include the following:

- organizing training sessions of the staff of ARC-WH at the World Heritage Centre (UNESCO Headquarters) on the basis of a programme and a system to be defined;
- transferring relevant information about World Heritage from the World Heritage Centre to ARC-WH (basic texts, news, calendar of events, reports, statutory documents, etc.) for translation into Arabic and dissemination and utilization by the staff of ARC-WH;
- planning and implementing joint UNESCO/ARC-WH national, subregional and regional activities on World Heritage in the Arab States region.

31. Given the principles and guidelines governing category 2 institutes (33 C/Resolution 90), UNESCO may contribute financially to concrete activities/projects provided that those are deemed in line with UNESCO's programme priorities and that such contributions have already been approved by the General Conference in UNESCO's Programme and Budget (C/5). UNESCO will not, however, provide financial support for administrative, operational or institutional purposes.

32. UNESCO will be able to support the proposed institute in a variety of possible ways over the long term, including for example, provision of advice, advocacy and promotion. Such support can take the form of participation in cooperative activities including facilitating scientific exchange at the regional level, provision of seed support for activities, and facilitation of access to training opportunities.

The likely impact of the engagement with ARC-WH on the capacity of the UNESCO Secretariat to undertake effective coordination of this and other category 2 institutes/centres

33. The collaboration between UNESCO and ARC-WH is expected to extend the capacity of the World Heritage Centre and its partners to facilitate the implementation of the World Heritage Convention, and to achieve the mid-term and long-term strategic goals of the World Heritage Committee in the Arab States region.

34. The collaboration between UNESCO and ARC-WH is also expected to enhance opportunities for cooperation with UNESCO regional, cluster and national offices, and future UNESCO Chairs in conservation in the Arab States region, concerning more effective implementation of the World Heritage Convention.

35. The collaboration between UNESCO and ARC-WH is also expected to enhance cooperation among other existing and potential category 2 UNESCO institutes in other regions concerned with the World Heritage Convention including the Norwegian World Heritage Fund, World Heritage

Institute for Training and Research for the Asia and Pacific region (WHITR-AP), and similar centres currently being planned in other regions.

V. Considerations in examining external relations of ARC-WH

The global, regional, subregional or interregional relevance and impact (actual or potential) of ARC-WH

36. The work of ARC-WH is expected to result in the improvement in the implementation of the World Heritage Convention in the region, by increasing the capacity of those working in potential and existing World Heritage properties in the region's States Parties. In practical terms, it is expected to produce increases in the numbers of the nominations of properties and in enhanced management and conservation standards for World Heritage properties.

37. ARC-WH, within the framework of UNESCO's programmes, will cooperate actively with other institutes and centres, including university programmes and conservation laboratories, government institutions, and public and private institutions in the region and in the world which have already established regular and long-term partnerships with UNESCO, and which are involved in improving implementation of the World Heritage Convention.

38. Externally, the institute's development strategy will seek to strengthen both regional cooperation with relevant institutions in the region and among its States Parties by promoting professional exchanges and the establishment of new partnerships, and the pooling of resources from various concerned stakeholders, in order to complement existing regional provisions for conservation training, thereby improving World Heritage conservation in the region.

The eventual complementarity and redundancy of ARC-WH with other category 2 entities and/ or with other similar institutions created and operated by other United Nations system organizations

39. ARC-WH will work closely with category 2 institutes in the region including the "Regional Centre for the Information and Communication Technology" (Manama, Bahrain), and also other category 2 institutes established outside the region to foster enhanced implementation of the World Heritage Convention including the Nordic World Heritage Foundation (NWHF), Oslo, Norway, and WHITR-AP, China.

40. The activities of ARC-WH will strongly complement the activities of other United Nations system organizations involved with conservation activity in the region, including the Arab League Educational, Cultural and Scientific Organization (ALECSO), UNEP-Ramsar and UNDP.

VI. Summary evaluation of the proposed institute

41. ARC-WH provides a model for institutional and regional cooperation built around the objectives of UNESCO. ARC-WH extends the resources and capacities of existing institutions working in the Arab States region and is well structured to further the objectives of UNESCO for World Heritage, to create a new UNESCO-linked platform for that purpose, and to better serve conservation needs in the region.

42. Establishing ARC-WH in the Arab States region will bring many benefits to UNESCO, to the World Heritage States Parties in the region, and to the international community. The high degree of commitment made by the Kingdom of Bahrain to provide the necessary resources and direction to ensure the sustainable operations of ARC-WH is to be welcomed.

43. ARC-WH appears to meet the criteria for establishing a UNESCO category 2 institute/centre as approved by the General Conference at its 33rd session (33 C/Resolution 90).

VII. Action expected of the Executive Board

44. In the light of the above report, the Executive Board may wish to adopt a draft decision along the following lines:

The Executive Board,

1. Recalling the proposal submitted by the Government of the Kingdom of Bahrain for the establishment of an institution called “Arab Regional Centre for World Heritage (ARC-WH)” under the auspices of UNESCO (category 2),
2. Further recalling the importance of international cooperation for strengthening the capacity of States Parties to promote and implement the World Heritage Convention through improving abilities for preparation of effective nominations and for sustainable conservation and management of World Heritage properties,
3. Having examined the feasibility study contained in document 181 EX/17 Part VIII,
4. Welcoming the proposal of the Kingdom of Bahrain, which is in line with the existing principles and guidelines concerning the creation of category 2 institutes and centres under the auspices of UNESCO which were approved by the General Conference (33 C/ Resolution 90), and appreciating the results of the consultations held so far between the Secretariat and the Bahraini authorities,
5. Recommends to the General Conference that it approve at its 35th session, the establishment in Bahrain of the “Arab Regional Centre for World Heritage (ARC-WH)” under the auspices of UNESCO (category 2) and that it authorize the Director-General to sign the draft Agreement attached in document 181 EX/17 Part VIII.

ANNEX
DRAFT AGREEMENT
BETWEEN
THE GOVERNMENT OF BAHRAIN
AND
THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION
(UNESCO)
REGARDING THE ESTABLISHMENT IN BAHRAIN
OF AN “ARAB REGIONAL CENTRE FOR WORLD HERITAGE” – (ARC-WH)
UNDER THE AUSPICES OF UNESCO (CATEGORY 2)

The Government of the Kingdom of Bahrain on the one hand, and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the other hand,

Having regard to the resolution whereby the UNESCO General Conference seeks to favour international cooperation in respect of the establishment of an Arab Regional Centre for World Heritage (ARC-WH) (35 C/Resolution __),

Considering that the Director-General has been authorized by the General Conference in the aforementioned Resolution to conclude with the Government of the Kingdom of Bahrain the present agreement,

With a view of defining the terms and conditions governing the establishment and the operation of the aforementioned Centre under the auspices of UNESCO (category 2)

Have agreed as follows:

ARTICLE I
Interpretation

In this Agreement:

“UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization;

“Government” means the Government of the Kingdom of Bahrain;

“Centre” means the Arab Regional Centre for World Heritage (ARC-WH);

“World Heritage Convention” refers to the Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the UNESCO General Conference at its 17th session on 16 November 1972.

“Arab States region” refers to the following Member States: Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen.

ARTICLE II

Establishment

The Government agrees to take, in the course of the years 2009 and 2010, any measures that may be required for the setting up, as provided for under this Agreement, of an Arab Regional Centre for World Heritage (ARC-WH) hereinafter referred to as “the Centre”.

ARTICLE III

Participation

1. The Centre shall be an autonomous, independent legal entity at the service of Member States and Associate Members of UNESCO which, 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 concerned and also the rights and obligations stemming therefrom for the parties.

ARTICLE V

Juridical personality

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

- to contract;
- to institute legal proceedings;
- to receive subventions;
- to obtain payments for services rendered;
- to acquire and dispose of movable and immovable property, and;
- to acquire as necessary, the means to fulfil its mandate.

ARTICLE VI

Constitution

The Constitution of the Centre must include the following provisions:

- (a) a legal status granting to the Centre, under Royal Decree of the Kingdom of Bahrain, the autonomous legal capacity necessary to exercise its functions as described above (Article V);
- (b) a governing structure for the Centre allowing UNESCO representation within its governing bodies.

ARTICLE VII

Mission/objectives/functions

1. The Centre's mission is to strengthen implementation of the 1972 World Heritage Convention in the Arab States region, by strengthening application of the decisions and recommendations of the World Heritage Committee for the benefit of World Heritage sites in the region.
2. To this end, the main objective of the Centre shall be:
 - to act as a relay for the action of the World Heritage Centre and its partners in the Arab States region by federating regional energies around the conservation, promotion and presentation of the region's cultural and natural heritage, in order to increase balanced representation of Arab States properties on the World Heritage List, promote better protection and management of such World Heritage properties, mobilize regional and international financial support for these purposes, and raise awareness of World Heritage in the region.
3. In support of these objectives, the main functions of the Centre shall be:
 - The provision of information relating to the World Heritage Convention and its application, including development and management of an Arabic language web site, the translation and publication of relevant documents, and promotion of the establishment of new conservation programmes at universities, in all the Arab Region States.
 - The provision of assistance to Member States of the Arab States region as defined in Article I to improve their capacity to implement the World Heritage Convention (including understanding of World Heritage policy, concepts, rules of procedure, preparation of tentative lists, preparation of nominations, monitoring of state of conservation, education programmes, etc.) by facilitating organization of appropriate World Heritage training at ARC-WH's premises or anywhere else in the region, and responding to requests for assistance by Member States of the Arab States region as defined in Article I.
 - The provision of logistical and financial support for regional activities in support of the World Heritage Convention including hosting of meetings, conferences, training workshops or exhibitions in the region; the identification of appropriate facilities and services (lecture rooms, equipment, competent translators, etc. for planned meetings of UNESCO and other international institutions in the region, and the raising of funds to support World Heritage activities in the region.
4. The Centre shall pursue the above objectives and perform the above functions in close coordination with existing UNESCO entities, initiatives and programmes concerned with the implementation of the World Heritage Convention in the Arab States region.

ARTICLE VIII

Governing Board

1. The Centre shall be guided and supervised by a Governing Board renewed every two years and composed of:
 - 1(a) Members with right to vote:
 - The Minister of Culture and Information of Bahrain or his/her representative, as Chairperson of the Governing Board;

- A representative of the Ministry of Foreign Affairs of Bahrain;
- A representative of each of the Member States from the “Arab States region” as defined in Article I of the present Agreement, which shall send to the Director-General of UNESCO a notification, in accordance with the stipulations of Article III, paragraph 2, above; these Member States from the "Arab States region" having to be at the same time members of the World Heritage Committee at the moment of the renewal of the Governing Board;
- Representatives of a limited number of Member States, which shall send to the Director-General of UNESCO notification, in accordance with the stipulations of Article 3, paragraph 2, above in order to ensure, as far as possible, equitable geographical representation
- A representative of the Director-General of UNESCO.

1(b) Observers with no right to vote

- A representative of each the Advisory Bodies to the World Heritage Committee .i.e. ICOMOS, IUCN and ICCROM;
- A representative of the Nordic World Heritage Foundation (NWHF);
- A representative of the World Heritage Institute for Training and Research – Asia and the Pacific (WHITR-AP);
- Member States of the Centre which are not members of the Governing Board.

2. The composition of the Governing Board may be modified in accordance with the procedures for revision defined in Article XXIII of this Agreement.

3. The Governing Board shall:

- (a) approve the constitution of the Centre;
- (b) decide on the participation of regional intergovernmental organizations and international organizations in the work of the Centre as observers with no right to vote;
- (c) determine the composition of the Executive Committee, and of the Advisory Committee;
- (d) approve the initial development strategy and working methods of the Centre;
- (e) approve the long-term and medium-term programmes of the Centre;
- (f) approve the annual work plan and budget of the Centre including staffing provisions, infrastructure requirements and operating costs;
- (g) examine the annual reports submitted by the Director of the Centre.;
- (h) issue the rules and regulations and determine the financial, administrative and personnel management procedures of the Centre;
- (i) convene special consultative sessions to which it shall invite, in addition to its own members, representatives of other interested countries and international organizations in order to expand the Centre’s fundraising strategy and strengthen its capacities to draw up proposals to broaden the scope of the services provided by the Centre, and to carry out its projects and activities.

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 at his/her own initiative or at the request of the Director-General of UNESCO, or at the request of half of its members.

4. The Governing Board shall adopt its own rules and procedures. For its first meeting, the applicable procedures shall be established by the Government and UNESCO.

ARTICLE IX

Executive Committee

1. The Governing Board shall establish the Executive Committee, from among its members, to ensure continuity in day-to-day management of the Centre, between sessions of the Governing Board.

2. The Executive Committee shall be composed of the Chairperson of the Governing Board, the Chairperson of the Advisory Committee, a representative of the Director-General of UNESCO and one to three members from the Governing Board to be determined by the Governing Board.

3. The Director of the Centre, shall participate in the Committee as an ex-officio member without the right to vote.

ARTICLE X

Advisory Committee

1. The Advisory Committee shall provide technical advice for planning, execution, review and monitoring of the programme of the Centre.

2. The Advisory Committee shall be established by the Governing Board which shall determine its composition from among scientific, technical and legal experts recommended by the competent government authorities of Bahrain, Member States of the Arab States region as defined in article I, by the UNESCO Secretariat and by the Advisory Bodies to the World Heritage Committee so designated under the World Heritage Convention (IUCN, ICOMOS and ICCROM).

3. The Governing Board shall appoint the Chairperson of the Advisory Committee.

5. The Director of the Centre, shall participate in the Advisory Committee as an ex-officio member without the right to vote.

ARTICLE XI

Secretariat

1. The Centre's Secretariat shall consist of a Director and any other staff required for the effective operations 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 include:

- (a) members of UNESCO's staff who may be temporarily seconded and made available to the Centre in accordance with UNESCO's relevant regulations and rules and by the decisions of its governing bodies;

- (b) any person appointed by the Director of the Centre, in accordance with the procedures laid down by the Governing Board;
- (c) officials who are made available to the Centre, as provided for within governmental regulations of the Kingdom of Bahrain.

ARTICLE XII

Duties of the Director of the Centre

The Director of the Centre shall discharge the following duties:

- (a) direct the work of the 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, the Executive Committee and the Advisory Committee and submit to them any proposals that he/she may deem useful for the administration of the Centre;
- (d) prepare reports on the Centre's activities to be submitted to the Governing Board and UNESCO;
- (e) represent the Centre in law and in all civil acts;
- (f) make decisions on technical, financial and/or administrative tools and systems to be used, and logos and standard formats to be utilized;
- (g) present and disseminate information related to the Centre;
- (h) communicate with any partner relevant to the Centre;
- (i) prepare internal regulations for the Centre, for approval by the Governing Board.

ARTICLE XIII

Financial arrangements

1. The Centre's resources shall be allotted by the Government of Bahrain from such contributions as it may receive from States Parties to the World Heritage Convention, from intergovernmental organizations or international non-governmental organizations and from payments for services rendered.
2. The Centre may receive gifts and legacies, with the approval of the Governing Board.
3. The Centre may receive for purposes of project and activity implementation funds allocated by other bodies which reinforce and support the Centre's objectives. Receipt of such funds shall be the subject of agreements for use, management and financial reporting on expenditure among the parties concerned.
4. The Centre may maintain accounts in any currency, hold funds and foreign exchange of any kind and transfer them freely.

ARTICLE XIV

Contribution of UNESCO

1. UNESCO is prepared to provide assistance in the form of technical contributions and advisory services aimed at the rapid setting up of the Centre and its long-term effective and efficient operations, in line 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;
 - second temporarily its staff. Such secondment 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;
 - collaborate with the Centre in various programmes which it implements and in which the participation of the latter seems appropriately complementary and necessary, in accordance with its relevant rules and regulations.
3. In all the cases listed above, such contributions shall not be provided unless they have been specifically foreseen and approved in UNESCO's Programme and Budget.

ARTICLE XV

Contribution of the Government of Bahrain

1. The Government of Bahrain agrees to provide the necessary resources, either financially or in kind, needed for the administration and proper functioning of the Centre. In particular it shall:
 - make available to the Centre appropriate office space, equipment and facilities;
 - cover all communication, utilities and maintenance costs for the Centre, as well as the expenses of holding any and all the sessions of the Governing Board, the Executive Committee, the Advisory Committee;
 - make available to the Centre the administrative staff required for the effective performance of its functions;
 - contribute to programme activities such as information dissemination and sharing, capacity-building activities, research programmes, publications and logistical support;
2. The Kingdom of Bahrain shall also actively seek financial support for the Centre to implement projects not financed by its annual budget through partnerships and funding and/ or arrangements with other international, regional and national organizations in organizing its activities.

ARTICLE XVI

Privileges and immunities

1. The Government shall authorize the entry, free of visa charges, the sojourn on its territory and the exit of any person invited by the Centre to attend the sessions of the Governing Board, the Executive Committee, and the Advisory Committee and for any other official purpose.
2. The goods, assets and income of the Centre shall be exempt from all direct taxes.

Furthermore, the Centre shall be exempt from the payment of any fees or taxes with respect to equipment, supplies and material imported or exported for its official use.

ARTICLE XVII

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 XVIII

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 conducted.
3. UNESCO shall reserve the option to denounce this Agreement or to request a revision of its contents, following the results of an evaluation.

ARTICLE XIX

Use of UNESCO name and logo

1. The Centre may mention its affiliation with UNESCO, inserting after its title, the mention of “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 UNESCO.

ARTICLE XX

Entry into force

This Agreement shall enter into force following its signature by the contracting parties, when they have informed each other in writing of the formalities required to that effect by the domestic law of the Kingdom of Bahrain and by UNESCO internal regulations. The date of receipt of the last notification shall be deemed to be the date of entry into force of this Agreement.

ARTICLE XXI

Duration

This Agreement is valid for a period of six years as from its entry into force and may be renewed by tacit agreement of the two parties.

ARTICLE XXII

Denunciation

1. Each of the contracting parties shall be entitled to denounce the Agreement unilaterally.
2. The denunciation shall take effect within six months following receipt of the notification sent by one of the contracting parties to the other.

ARTICLE XXIII

Revision

The present Agreement may be revised with the mutual consent of the Government and UNESCO.

ARTICLE XXIV

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 a representative of the Government, another by the Director-General of UNESCO, and the third, who shall preside over the tribunal, chosen by the first two. If the two arbitrators cannot agree on the choice of a 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 three copies in English, on [...]

.....
For the United Nations Educational,
Scientific and Cultural Organization

.....
For the Government
of the Kingdom of Bahrain



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-first session

181 EX/17

Part IX

PARIS, 27 March 2009

Original: English

Item 17 of the provisional agenda

REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES UNDER THE AUSPICES OF UNESCO

PART IX

PROPOSAL FOR THE ESTABLISHMENT IN PRAIA, CAPE VERDE, OF A WEST AFRICA INSTITUTE FOR INTERNATIONAL RESEARCH ON REGIONAL INTEGRATION AND SOCIAL TRANSFORMATIONS, AS A CATEGORY 2 INSTITUTE UNDER THE AUSPICES OF UNESCO

SUMMARY

Reference: In January 2008, the Government of the Republic of Cape Verde proposed to the Director-General of UNESCO the creation of an international institute on regional integration and social transformations to be coordinated by the Ministry of Foreign Affairs, in partnership with ECOWAS, UEMOA, ECOBANK and UNESCO. This institute will undertake international research on regional integration and social transformations.

The proposal was unanimously approved by the Summit of Heads of State and Government of the Economic Community of West African States (ECOWAS) on 18 January 2008 in Ouagadougou (Burkina Faso).

The present document contains the feasibility study for the proposed institute, as well as a Draft Agreement between the Government of Cape Verde and UNESCO.

The feasibility study was undertaken in conformity with the Guidelines concerning the creation of institutes and centres under the auspices of UNESCO (category 2) approved in 33 C/Resolution 90.

Financial implications: See paragraphs 37-39 of the document, as well as Article 13 of the Draft Agreement.

Action expected of the Executive Board: decision in paragraph 48.

I INTRODUCTION

1. In January 2008, the Government of the Republic of Cape Verde informed the Director-General of UNESCO of its intention to create an international institute on regional integration and social transformations to be coordinated by the Ministry of Foreign Affairs of Cape Verde. This institute will undertake international research on regional integration and social transformations in West Africa and act as an observatory of the policy implementation in the Economic Community of West African States (ECOWAS).
2. Approved unanimously by the Summit of Heads of State and Government of ECOWAS on 18 January 2008 in Ouagadougou (Burkina Faso), the proposed institute responds to the need to promote research and coordinate multidisciplinary research networks on regional integration, in order to enhance synergies between the countries of the subregion and to better address the potential obstacles to their integration. These are issues which have been brought up continuously during the series of national seminars held between 2005 and 2008 in the 15 ECOWAS countries under the auspices of the **Management of Social Transformations (MOST) Programme**, of UNESCO.
3. Following the above-mentioned decision of the Summit of Heads of State of ECOWAS, and the feasibility study undertaken with the assistance of the Organization, the UNESCO Group for West Africa submitted a request on the establishment of an institute under the auspices of UNESCO on West Africa: International research on regional integration and social transformations, to the Director-General to be submitted to the 181st session of the Executive Board.
4. By virtue of 33 C/Resolution 90, the Executive Board is invited to review this feasibility study, to decide upon granting category 2 status to the institute, and to authorize the Director-General to sign an agreement with the Government of the Republic of Cape Verde in accordance with the project.
5. In its preliminary phase, this institute, to be known as the West African Institute: International research on regional integration and social transformations (hereafter referred to as the Institute) will have working relations with UNESCO's MOST Programme. Once established, it will function as an independent institution (category 2 institute).
6. The Institute will be established in the Republic of Cape Verde. Its main partners, in addition to UNESCO in all its activities related to the Organization's fields of competence and the Government of the Republic of Cape Verde, will be the ECOWAS Commission, UEMOA and ECOBANK (the leading independent regional banking group in West Africa).

II. BACKGROUND

7. With a population estimated at 260 million inhabitants in 15 Member States, the ECOWAS region is one of the poorest in the world. According to the United Nations 2007 Human Development Index, 10 of the 22 countries with the lowest human development indicators are in this subregion. Literacy among the population of those around 15 years of age or older is also one of the lowest in the world, with 10 out of 15 countries with a rate of literacy inferior to 50% in 2004, particularly among young women (15-24 years old). Rich in cultural diversity, West Africa, with a multitude of national languages, shares at least four transboundary languages (Fulfulde, Haoussa, Kanuri, Manding) and three international languages (French, English and Portuguese), which are important tools for regional integration.
8. The creation of the Institute will consolidate the various multidisciplinary research teams and networks on regional integration in West Africa and reinforce dialogue between researchers and decision-makers. Research, advocacy, training and documentation will empower decision-makers,

civil society and academics to face the various dimensions, challenges and scenarios of regional integration.

9. UNESCO has established an active cooperation with a number of subregional African organizations in order to conduct priority programmes on regional integration in West Africa, especially in UNESCO's fields of competence. A series of national conferences entitled "The Nation-State facing the challenges of Regional Integration in West Africa" was launched in 2005 and took place in the 15 member countries of ECOWAS.

III. CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED INSTITUTE

10. The general objective of the Institute is to advance knowledge on West African regional integration and to provide decision-makers with related policy options conducive to development, peace and the protection of human rights in the region.

11. Objectives:

- Advance knowledge on scenarios and on policy options concerning regional integration in West Africa;
- Support the ECOWAS Commission and its Member States through policy-oriented research and strategic advice on regional integration;
- Act as an observatory of policy implementation at the national and regional levels;
- Engage in capacity-building for policy-makers and civil society actors on the various dimensions of regional integration through information and training;
- Contribute to the policy analysis in and reflection of regional integration efforts at the continental level; and
- Act as a think-tank for the West Africa region.

Research themes: Possible research themes have been identified; these will be refined by the future Board of the Institute.

12. Multidisciplinary research: The Institute will undertake multidisciplinary and sectoral research on regional integration in West Africa taking into account the specific political, economic, social and cultural context of the region, as well as existing literature and outcomes of previous research in this field. Opportunities, challenges and risks of the various dimensions of regional integration processes will be analysed from the perspective of social transformations, and scenarios will be developed and circulated for debates.

13. Possible research themes:

- (a) Historic influences, convergences and obstacles to regional integration
- (b) Democratization and human rights
- (c) Social dimensions of regional integration
- (d) Migration and labour issues
- (e) Gender and development
- (f) Regional integration and human security

- (g) Poverty reduction strategies (PRSPs, etc.) from a regional perspective
- (h) Post-conflict reconstruction
- (i) Environment and sustainable development
- (j) ECOWAS cooperation with multilateral organizations
- (k) Youth unemployment and violence
- (l) etc.

14. Development of policy proposals: The Institute will conduct original policy-oriented research on topics pertaining to the complex issues of regional integration in West Africa. The research supported by the Institute will be policy-oriented, based on solid social science research, and focused on supporting the ECOWAS Commission's and Member States' regional integration efforts.

15. Observatory of policy implementation: In this function the Institute will monitor implementation of the relevant treaties and policy decisions; it will identify and study obstacles to their implementation; formulate concrete proposals to overcome these obstacles and coordinate advocacy of the National Committees of the Institute and civil society organizations.

16. Training and capacity-building of civil servants and civil society actors: In its function as a training institution, the Institute will propose high-level training for senior civil servants at the national and regional levels in order to train highly qualified future administrators and policy-makers in the field of regional integration. The training will be based on the policy papers and observatory reports produced by the Institute and will benefit from exchanges with partners.

17. A space for exchange and dialogue: The Institute will organize conferences in order to discuss the various issues of regional integration processes, bringing together policy-makers, researchers and civil society actors including the private sector.

18. Documentation and dissemination: In order to encourage the dissemination of knowledge and its influence on policy-making at the national and regional levels, the Institute will work through its network of national committees to disseminate its articles, policy papers and observatory reports. A documentation centre and specialized library will also be established.

19. Research networks: One of the first and most likely visible impacts of the Institute's work will be its function as a clearing house for research on the issue of regional integration. As a member of the Management of Social Transformations (MOST) research policy network, it will have access to and actively contribute to the growing pool of policy-relevant information available through the MOST Comparative Policy Research Tool. The MOST Tool will enable the Institute to provide quality information in a global comparative perspective to decision-makers in the West African subregion. In addition, the Institute will collaborate with the various institutions in Africa with a view to encouraging long-term research on issues related to regional integration.

20. Research, policy and capacity-building are missions compatible with UNESCO and the themes covered are clearly in line with the preoccupations and competences of UNESCO. The potential for synergy and close cooperation between the Institute and UNESCO is therefore very strong.

UNESCO initiatives in the field of regional integration: The relationship between the activities of the Institute and UNESCO's objectives

21. Through its Management of Social Transformations (MOST) Programme, UNESCO has been actively cooperating with a number of subregional organizations in Africa by developing and

carrying out joint priority programmes and projects related to regional integration in West Africa, among which:

22. Regional integration as a priority theme for Africa of the MOST Programme: Further to a comprehensive process carried out during 2002-2005, with UNESCO's National Commissions and Permanent Delegations as well as with its scientific partners, Regional Integration Processes were identified as a regional priority theme for Africa and approved by the MOST Intergovernmental Council of UNESCO.

23. National conferences entitled "The Nation-State facing the Challenges of Regional Integration in West Africa": The series was initially launched in 2005 in Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Mali, Niger, Senegal and Togo. This work allowed the identification of common elements and difficulties related to regional integration, as well as offering an opportunity to identify research partners for future work. The results of these conferences were presented during the High-Level Symposium on the Social Dimensions of Regional Integration, at the International Forum on the Social Science – Policy Nexus, held in Argentina and Uruguay in February 2006, as case study papers elaborating on "How Nation-States Face the Challenges of Regional Integration in West Africa". The series of national seminars continued with sessions held in Côte d'Ivoire, Liberia, Sierra Leone, Guinea Bissau and Nigeria with the objective of analysing the challenges faced by every State in the process of regional integration according to its economic, social, cultural and geographical specificities.

24. Forum of Ministers of Social Development: UNESCO played the role of facilitator for the Forum of Ministers of Social Development of ECOWAS. After meeting for the first time in January 2006, Ministers of Social Development of ECOWAS Member States issued a Declaration which stresses their countries' interest in strengthening the social dimensions of regional integration and in looking for greater solidarity. Moreover, participants stated their intention that the Forum serves as a means to strengthen cooperation among the community's Member States, and encourages consultations, dialogue, and exchange of experience that build into the identification and promotion of common social policies in the region.

25. Long-standing cooperation between UNESCO and ECOWAS: Both organizations work together in a Joint Commission, pursuing common initiatives on education policies and programmes, communication, and on developing a culture of peace. The Institute will reinforce the cooperation between ECOWAS and UNESCO, further strengthening the delivery of Priority Africa in UNESCO.

Existing research initiatives in the region: impact of the Institute

26. African studies centres: While many universities and research institutions at the international level host centres for African studies, these have not taken on the specific problems of regionalism in the West Africa subregion. One of the reasons for this is the geographic location of African studies programmes, the majority of which are located outside the continent (mostly in North America and Europe). Their external location orients them towards the continent as a whole, risking the assumption of some homogeneity in terms of social, cultural, political and economic conditions. Any new research institute will need to deal specifically with regional and subregional units of analysis, broadening from the generality by which African studies have long been organized.

27. Two research centres for the study of West Africa exist in the region: the West Africa Research Centre (WARC) is the overseas research centre for the United States-based West African Research Association (WARA), and the Council for the Development of Social Science Research in Africa (CODESRIA). Even though both are well situated to contribute to the field of African studies regionally and continentally, their activities do not focus directly on policy research on regional integration in West Africa. Further, their activities are limited to research only and do not include policy dialogue, training or monitoring of treaty implementation.

28. The International Development Research Centre (IDRC) has carried out research on the multidimensional aspects of regional integration and cooperation in West Africa. One of the main conclusions reached in a summary report commissioned in September 2007 is the non-existence of centres specialized in the area of research on regional integration.

29. Regional integration studies centres: In addition to partaking in African and West African studies, the Institute will participate in the growing field of regional integration studies. In view of the focus on regional integration in Africa and West Africa, the Institute will closely cooperate with institutions such as:

- The Comparative Regional Integration Studies – United Nations University (CRIS) – based in Bruges (Belgium).
- The Regional Integration Unit of OECD's Sahel and West Africa Club – based in Paris (France).
- Zentrum für Europäische Integrationsforschung (Centre for European Integration Studies) and Zentrum für Entwicklungsforschung (The Centre for Development Research) – based in Bonn (Germany).
- Afrika Studies Centre – University of Leiden – based in Leiden (the Netherlands).
- Institute of South-East Asian Studies (ISEAS) – based in Singapore.

30. The growth in the number of such centres demonstrates a growing interest in regional integration in a comparative perspective, and contributes to the advancement of this field. Nevertheless, the need for detailed analyses of particular subregions remains. Comparative studies of regional integration generate an even greater demand for detailed information on the subregional effects of political and economic integration. This feasibility study, therefore, strongly recommends the granting by UNESCO of the status of category 2 institute to the West Africa Institute for International Research on Regional Integration and Social Transformations.

Structure and legal status of the Institute

31. The Government of Cape Verde has committed to guaranteeing that the Institute will be set up according to the national legislation as an autonomous body enjoying the personality and legal capacity necessary for exercising its functions.

32. The founding partners of the Institute include UNESCO, the ECOWAS Commission and ECOBANK. The Government of the Republic of Cape Verde will develop an agreement with each of these institutions.

33. The Government will make available the premises needed for the implementation of the Institute's manifold activities. The head office will be located in Praia. The property, including the premises and facilities to be utilized or administered by the Institute, will continue to be the property of Cape Verde, according to the laws of Cape Verde.

34. The activities of the Institute will be planned and supervised by a Governing Board, constituted by a representative number of members (see Article 8.1 of the Draft Agreement contained in the Annex). The Board is chaired by the Minister of Foreign Affairs of Cape Verde (or a representative). The Governing Board will establish the internal regulations of the Institute.

35. The operational management will be under the responsibility of a Director, who will administer the Institute in conformity with the decisions adopted by the Governing Board and will exercise its legal representation.

36. The Governing Board of the Institute will tap into the intellectual contributions of UNESCO, Member States of UNESCO, Member States of ECOWAS, other international and regional organizations, academic institutions of international repute and well-known non-governmental organizations.

Sustainability: Financial and administrative mechanisms

37. The Government of the Republic of Cape Verde shall contribute resources, financial or in kind, needed for the administration and proper functioning of the Institute. In addition, the project will be financed by regular contributions by the partners, namely the Government of the Republic of Cape Verde, ECOWAS, ECOBANK, UEMOA and other Member States of ECOWAS, as well as bilateral and multilateral agencies such as United Nations agencies, development agencies, regional intergovernmental organizations, the private sector and other funding institutions. The contribution of UNESCO will be project-specific.

38. UNESCO will, in collaboration with ECOWAS, ECOBANK, UEMOA and the Ministry of Foreign Affairs of the Republic of Cape Verde, assist in organizing round tables in order to present the project to potential donors and partners in development.

39. The establishment of an endowment fund of US \$50 million to ensure institutional sustainability and guarantee the independence and autonomy of the Institute is being spearheaded by ECOBANK. It is proposed to entrust the various institutions with the leadership and coordination of fund mobilization: ECOWAS and UEMOA will take the lead with the African and international financial institutions; ECOBANK, the lead with the private sector; and the International Development Research Centre (IDRC), with foundations and institutional donors. UNESCO will lend its expertise to this collective effort.

The type of cooperation sought with UNESCO

40. It is expected that UNESCO will cooperate with the Institute in the following ways:

- (i) designate a representative on the Governing Board of the Institute;
- (ii) facilitate contacts with other international organizations whose work relates to the functions of the Institute;
- (iii) provide the Institute with publications and other materials, and inform about the activities of the Institute via its Internet site and other means at its disposal;
- (iv) participate in the scientific, technical and training meetings organized by the Institute, depending on the availability of funds;
- (v) assist in fundraising;
- (vi) provide the assistance of its experts in the specialized fields of the Institute;
- (vii) eventually second members of its staff temporarily. Such secondment 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;
- (viii) include the Institute in various programmes which it implements and in which the participation of the latter appears necessary.

Potential impact of UNESCO's contribution on the Institute's activities

41. UNESCO fosters international cooperation in the field of regional integration. As such, this initiative fully corresponds to the objectives of the Organization.

42. UNESCO is fulfilling here its function as a catalyst during the initial operational period of the Institute by sharing its technical and organizational competencies. In order to maximize the international impact of the Institute, the Organization will facilitate the interaction among countries of other regions, international organizations, non-governmental organizations, and international experts in the field of regional integration. Granting category 2 status to the Institute will have the corollary effect of promoting not only the Institute, but people-centred regional integration.

43. Placing the Institute under the auspices of UNESCO will also strengthen its position in the search for extrabudgetary resources to support its activities.

Summary evaluation of the proposal submitted

44. The full project proposal submitted by the Government of the Republic of Cape Verde provides a solid basis for the request that the Institute be granted the status of an international institute under the auspices of UNESCO.

45. The objectives of the Institute are in line with UNESCO's strategic programme and the Institute would contribute to the execution of the programmes of the Organization related to regional integration and social transformations in West Africa. UNESCO's auspices will be a boost for international visibility of the Institute and its development.

46. It is recommended that category 2 be granted to the "West Africa Institute: International Research on Regional Integration and Social Transformations" in Praia, Cape Verde. It is recommended that the agreement with the Government of Cape Verde be signed with a view to developing an innovative collaboration for the benefit of all Member States, with specific emphasis on West Africa, in order to strengthen policy research and networking on regional integration.

IV. PROPOSAL FOR THE CREATION OF AN INSTITUTE ON REGIONAL INTEGRATION (CATEGORY 2 – UNESCO) IN CAPE VERDE, UNDER THE AUSPICES OF UNESCO (177 EX/29; 177 EX/INF.16)

47. The Executive Board may wish to welcome the proposal by the West Africa sub-group which would contribute to the Organization's activities in the area of regional integration, particularly through capacity-building and policy advice.

ACTION EXPECTED OF THE EXECUTIVE BOARD

48. In the light of the above, the Executive Board may wish to consider a decision along the following lines:

The Executive Board,

1. Recalling 33 C/Resolution 90 concerning the creation of institutes and centres under the auspices of UNESCO (category 2),
2. Considering the importance of regional integration as a vital tool in the pursuit of sustainable economic growth, peace and stability, and in securing the democratic consolidation of West Africa,
3. Further recalling that regional integration, when conducive to social and economic development, is essential for promoting human rights and peace,
4. Welcomes the proposal of the Government of the Republic of Cape Verde to establish an international institute for regional integration, under the auspices of UNESCO, in Praia (Cape Verde),

5. Having examined document 181 EX/17 Part IX,
6. Recommends to the General Conference at its 35th session, to approve the designation of the West Africa Institute for International Research on Regional Integration and Social Transformations as a category 2 institute under the auspices of UNESCO, and to authorize the Director-General to sign the Agreement between UNESCO and the Government of the Republic of Cape Verde, presented in the annex to document 181 EX/17, Part IX.

ANNEX

DRAFT AGREEMENT BETWEEN

**THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION (UNESCO)**

AND THE

GOVERNMENT OF CAPE VERDE

**REGARDING THE ESTABLISHMENT IN PRAIA (CAPE VERDE) OF
A WEST AFRICA INSTITUTE FOR INTERNATIONAL RESEARCH
ON REGIONAL INTEGRATION AND SOCIAL TRANSFORMATIONS
AS A CATEGORY 2 INSTITUTE UNDER THE AUSPICES OF UNESCO**

The Government of Cape Verde, and

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

Bearing in mind that the proposed creation of the West Africa Institute for International Research on Regional Integration and Social Transformations was unanimously approved by the Summit of Heads of State and Government of the Economic Community of West Africa (ECOWAS) on 18 January 2008 in Ouagadougou (Burkina Faso),

Considering that, in accordance with the ECOWAS decision referred to above, the seat of the West Africa Institute for International Research on Regional Integration and Social Transformations will be created in Cape Verde, according to the national legislation,

Considering that the Institute will respond to the need to combine research and multidisciplinary networks on regional integration, in order to improve mutual understanding between the countries of the subregion and to better measure the potential obstacles to their cooperation,

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

Desirous of defining the terms and conditions governing the collaboration between UNESCO and the West Africa Institute for International Research on Regional Integration and Social Transformations,

Have agreed as follows:

Article 1 – Interpretation

In this Agreement:

1. The acronym “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization.
2. The acronym “ECOWAS” refers to the Economic Community of West African States.
3. The acronym “UEMOA” refers to the West African Economic and Monetary Union.

4. “The Institute” means the West Africa Institute for International Research on Regional Integration and Social Transformations.
5. “The Government” means The Government of Cape Verde.
6. “The Agreement” means the present contract.
7. “The Parties” means UNESCO and the Government.
8. The “West Africa region” refers to the following States: Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

Article 2 – Establishment

The Government shall agree to take, in the course of the year 2010, any measures that may be required for the setting up of the Institute as provided for under this Agreement.

Article 3 – Participation

1. The Institute shall be an autonomous institution at the service of Member States and Associate Members of UNESCO which, by their common interest in the objectives of the Institute, desire to cooperate with the Institute.

2. Member States of UNESCO wishing to participate in the Institute’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 Institute and the Member States mentioned above of the receipt of such notifications.

Article 4 – Purpose of the Agreement

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

Article 5 – Juridical personality

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

- (i) to contract;
- (ii) to institute legal proceedings;
- (iii) to acquire and dispose of movable and immovable property.

Article 6 – Constitution

The Constitution of the Institute must include provisions concerning:

- (a) legal status granting to the Institute, under national legislation, the autonomous legal capacity necessary to exercise its functions and to receive subventions, obtain payments for services rendered, and acquire all necessary means;
- (b) a governing structure for the Institute allowing UNESCO representation within its governing body.

Article 7 – Functions/objectives

The overall objectives of the Institute shall be to:

- advance knowledge on scenarios and on policy options concerning regional integration in West Africa;
- support the ECOWAS Commission and Member States through policy-oriented research and strategic advice on regional integration in West Africa;
- act as an observatory of policy implementation at the national and regional levels;
- strengthen the capacities of policy-makers and civil society actors on the various dimensions of regional integration through information and training;
- contribute to the reflection and policy analysis in regional integration efforts at the continental level;
- act as a think-tank for the West Africa region.

Article 8 – Governing Board

1. The Institute shall be guided and supervised by a Governing Board to be renewed every five years and composed of:
 - (a) the Minister of Foreign Affairs of Cape Verde, as Chairperson, or a representative;
 - (b) the Director-General of UNESCO (or his representative);
 - (c) the President of the ECOWAS Commission (or a representative);
 - (d) the President of the UEMOA Commission (or a representative);
 - (e) the Chief Executive Officer of a regional private sector institution in West Africa (or a representative);
 - (f) 15 high-level researchers, policy-makers and representatives from civil society and the private sector of the West Africa region;
 - (g) representatives of the Member States, which shall send to the Director-General of UNESCO notification, in accordance with the stipulations of Article 3, paragraph 2, above in order to ensure, as far as possible, equitable geographical representation.

The latter members (listed in e, f and g) shall be appointed by the Governing Board.

2. The Governing Board shall:
 - (a) approve the long-term and medium-term programmes of the Institute;
 - (b) approve the annual work plan and budget of the Institute, including the staffing table;
 - (c) examine the annual reports submitted by the Director of the Institute;
 - (d) issue the rules and regulations and determine the financial, administrative and personnel management procedures of the Institute;

- (e) decide on the participation of regional intergovernmental organizations and international organizations in the work of the Institute.

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 convened by its Chairperson, either on his or her own initiative or at the request of the Director-General of UNESCO, the President of the ECOWAS Commission or of at least 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, UNESCO and the ECOWAS Commission.

Article 9 – Executive Committee

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

Article 10 – Secretariat

1. The Institute's Secretariat shall consist of a Director and such staff as is necessary for the proper functioning of the Institute.

2. The Director shall be appointed by the Chairperson of the Governing Board, in consultation with the Director-General of UNESCO and the President of the ECOWAS Commission.

3. The other members of the Secretariat may comprise:

- (a) members of UNESCO's staff who are temporarily seconded and made available to the Institute, 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 are made available to the Institute, as provided for by Government regulations.

Article 11 – Duties of the Director

The Director shall discharge the following duties:

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

Article 12 – Contribution of UNESCO

1. UNESCO shall provide assistance in the form of a technical contribution to the activities of the Institute, in accordance with the strategic goals and objectives of UNESCO.
2. UNESCO undertakes to:
 - (a) designate a representative on the Governing Board of the Institute;
 - (b) facilitate contacts with other international organizations whose work relates to the functions of the Institute;
 - (c) provide the Institute with publications and other materials, and inform about the activities of the Institute via its Internet site and other means at its disposal;
 - (d) participate in the scientific, technical and training meetings organized by the Institute, depending on the availability of funds;
 - (e) assist in fundraising;
 - (f) provide the assistance of its experts in the specialized fields of the Institute;
 - (g) eventually second members of its staff temporarily. Such secondment 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;
 - (h) include the Institute in various programmes which it implements and in which the participation of the latter appears necessary.
3. In all the cases listed above, such contribution shall be provided for in UNESCO's programme and budget.

Article 13 – Contribution of the Government

1. The Government shall contribute resources, financial or in kind, needed for the administration and proper functioning of the Institute.
2. The Government undertakes to make available the premises needed for the implementation of the Institute's manifold activities and assume their maintenance.
3. The Institute may seek funding from international, bilateral, private and public sources.

Article 14 – Privileges and immunities

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

All staff members of the Institute, regardless of their nationality, shall enjoy immunity from all legal process in respect of all acts performed in the exercise of their duties.

Article 15 – Responsibility

As the Institute 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 16 – Evaluation

1. UNESCO may, at any time, carry out an evaluation of the activities of the Institute in order to ascertain:
 - (a) whether the Institute makes a significant contribution to the strategic goals of UNESCO;
 - (b) whether the activities effectively pursued by the Institute are in conformity with those set out in this Agreement.
2. UNESCO undertakes to submit to the Government, at the earliest opportunity, a report on any evaluation conducted.
3. Each of the Parties shall have the option of denouncing this Agreement or of requesting a revision of its contents, following the results of an evaluation.

Article 17 – Use of UNESCO name and logo

1. The Institute may mention its affiliation with UNESCO. It may therefore use after its title the mention “under the auspices of UNESCO”.
2. The Institute 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 18 – Entry into force

This Agreement shall enter into force, following its signature by the Parties, when they have informed each other in writing that all the formalities required to that effect by the domestic law of Cape Verde and by UNESCO’s internal regulations have been completed. The date of receipt of the last notification shall be deemed to be the date of entry into force of this Agreement.

Article 19 – Duration

This Agreement is concluded for a period of six years as from its entry into force, and may be tacitly renewed.

Article 20 – Denunciation

1. Each of the Parties shall be entitled to denounce this Agreement unilaterally.
2. The denunciation shall take effect within 30 days following receipt of the notification sent by one of the contracting parties to the other.

Article 21 – Revision

This Agreement may be revised by consent between the Government and UNESCO.

Article 22 – Settlement of disputes

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if 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 a representative of the Government, another by the Director-General of UNESCO, and a third, who shall preside over the tribunal, shall be chosen by the first two. If the two arbitrators cannot agree on the choice of a 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 four copies in English, French and Portuguese languages

.....
For the United Nations Educational,
Scientific and Cultural Organization

.....
For the Government of Cape Verde



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and eighty-first session

181 EX/17
Part X

PARIS, 27 March 2009
Original: English

Item 17 of the provisional agenda

**REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES
FOR THE ESTABLISHMENT OF CATEGORY 2 INSTITUTES AND CENTRES
UNDER THE AUSPICES OF UNESCO**

PART X

**PROPOSAL FOR THE ESTABLISHMENT IN BRAZIL OF A REGIONAL HERITAGE
MANAGEMENT TRAINING CENTRE, AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

SUMMARY

This document presents the feasibility study concerning the proposal for the establishment of a Regional Heritage Management Training Centre in Brazil, as a category 2 centre under the auspices of UNESCO, in accordance with the "Principles and guidelines regarding the establishment and operation of UNESCO institutes and centres (category 1) and institutes and centres under the auspices of UNESCO (category 2)" (33 C/Resolution 90).

The administrative and financial implications of this document are set out in paragraph 34 of the present document and in Article 12 of the Annex thereto.

Action expected of the Executive Board: proposed decision in paragraph 38.

I. Introduction

1. The **Regional Heritage Management Training Centre** (hereinafter “the Centre”) is being established to support and assist Portuguese- and Spanish-speaking countries of South America, Africa and Asia (“the Region”). Its programmes and activities will focus on training and dissemination of best practices in the field of heritage management, using the universal message of the 1972 Convention for the Protection of the World Cultural and Natural Heritage (hereinafter “the 1972 World Heritage Convention”) as its principal reference.

2. On 20 and 21 October 2008, an international consultation meeting was held in Rio de Janeiro to develop the proposal to establish a regional centre for the reinforcement of the implementation of the 1972 World Heritage Convention in the Region, with the participation of the Chairperson of the World Heritage Committee, during which it was agreed that this centre would have as its main purpose the training in heritage management for nationals of the Region.

3. This proposal was subsequently brought to the attention of the Extraordinary Ministerial Meeting of Education and Culture of the Community of Portuguese-Speaking Countries, held in Lisbon, Portugal, on 14 and 15 November 2008. The Declaration adopted by the ministers stated their support to this initiative, welcoming that its scope would include Portuguese-speaking African countries. It was also presented at the Fourth Inter-American Meeting of Ministers of Culture and Highest Appropriate Authorities, held in Bridgetown, Barbados, on 20 and 21 November 2008, which gathered authorities from all countries in the Americas together with representatives from international organizations and civil society.

4. The XXVII Meeting of Culture Ministers of MERCOSUR, held in Rio de Janeiro, Brazil, on 5 December 2008, Brazil was congratulated by the participants (Argentina, Paraguay and Uruguay, as well as Bolivia, Chile, Ecuador and the Bolivarian Republic of Venezuela, as Associate Member States) for the initiative. They also pledged their support for the creation of a reference library for the Centre, to which they will contribute with materials on cultural heritage management from these countries, as stated in the proceedings of the Meeting.

5. The institutions responsible for heritage management in MERCOSUR countries have discussed this proposal at the First Meeting of the MERCOSUR Cultural Heritage Commission, held in Salvador de Bahia at the end of January 2009.

6. Support for the Centre from the Brazilian authorities was confirmed by the Head of the Cultural Department of the Ministry of External Relations, the President of the Brazilian Cooperation Agency, the Director for International Relations from the Ministry of Culture and the President of the National Historic and Artistic Heritage Institute (IPHAN).

7. On 15 December 2008, the Brazilian Government submitted a formal request for action for the establishment of a “Regional Heritage Management Training Centre” as a category 2 centre under the auspices of UNESCO.

II. The nature and legal status of the proposed Centre

8. The Centre shall enjoy on the territory of the Federative Republic of Brazil the personality and legal capacity necessary for the exercise of its functions, in accordance with 33 C/Resolution 19 and 33 C/Resolution 90 of the UNESCO General Conference.

III. Programmes and activities of the Centre

Mission

9. The mission of the Centre would be to promote training and research activities to contribute to the implementation of the 1972 World Heritage Convention. The Centre will assist countries in

the Region in the creation or strengthening of national capacity for the management of heritage and to enable other stakeholders to participate in heritage endeavours.

Objectives

10. Main objectives of the Centre would be to:

- contribute to the achievement of the United Nations Millennium Development Goals;
- build capacity for heritage management in the Region;
- act as a centre of reference for education, research, training, networking platform and capacity-building in the field of heritage through projects, programmes and courses;
- develop a body of knowledge in conservation, safeguarding, management, monitoring, applied and theoretical research and education in the field of heritage;
- contribute to methodological development for the conservation, safeguarding and management of heritage;
- promote and facilitate a worldwide network of all concerned educational and research institutions and organizations in order to devise well-informed solutions for the problems facing heritage management;
- encourage entrepreneurship in an academic setting;
- share technical expertise with UNESCO, particularly with the World Heritage Centre, and cooperate with the intergovernmental committees of UNESCO in the field of heritage, as well as with other institutions.

Functions and main lines of action

11. The proposed functions and main lines of action for the Centre are to:

- create and develop partnership and networks and establish collaborative research programmes to address gaps of knowledge in heritage management;
- identify, analyse, systematize and disseminate best practices and experience in conservation and heritage management;
- develop monitoring mechanisms and define indicators for measuring the state of conservation and the effectiveness of management, particularly for complex management situations such as ecosystems and urban landscape;
- integrate and systematize data on properties in the Region declared as World Heritage, and facilitate their transfer, thereby contributing to raising awareness leading to an increase in the number of sites in the Region on the World Heritage list;
- promote and communicate better understanding of the World Heritage Convention and the other UNESCO conventions related to heritage and associated concepts and terms as well as a wide variety of issues relating to heritage management;
- create training tools in the various heritage management fields and at different levels, promoting and organizing training activities and encouraging collaboration with both public and private institutions.

Main beneficiaries of the Centre

12. The main beneficiaries of the training activities will be the regional, national, and local heritage institutions, the site managers, and civil society in the Region.

IV. Institutions involved

13. The Centre will meet its objectives and implement its programmes and activities with the support of the Government of Brazil, in consultation with international, regional and national institutions, initiatives and programmes, including but not limited to:

- *Institutional backing*

14. IPHAN is the Brazilian institution responsible for national public policy on the protection, conservation and management of cultural heritage, affiliated to the Ministry of Culture. IPHAN has 71 years of experience in the field of cultural properties, and would act as main supporter of the Centre, on the basis of its scientific and technical know-how in the field. IPHAN will also make available the necessary surface and facilities in the Gustavo Capanema Palace in Rio de Janeiro, as well as the financial and administrative resources for the Centre's establishment and management.

- *Cooperating public institutions*

15. The Ministries of Culture and External Relations, as well as the Brazilian Cooperation Agency (ABC) as the main government institutions will, together with IPHAN, provide support for the establishment and functioning of the Centre, taking account of the bilateral and multilateral international cooperation frameworks between Brazil and the countries of the Region.

- *Associated public institutions*

16. Contacts have been established and will be further consolidated with the Institute Chico Mendes for the Conservation of Biodiversity – ICMBio, responsible for the management and conservation of natural sites in Brazil, and the Fundação Nacional do Índio (FUNAI), which is responsible for policies related to indigenous peoples, and which will promote coordination between the cultural and natural dimensions of heritage management and the specific concerns of the indigenous lands.

- *Associated academic entities*

17. The long-lasting cooperation between IPHAN and the Federal Universities of Bahia, Minas Gerais and Pernambuco, will support the creation of a network of academic institutions which will provide training resources in the field of heritage management, and for their participation in the research activities of the Centre. Furthermore, IPHAN and the Fundação Getulio Vargas (FGV) (a private entity with a long-standing experience in training in public and private administration in Brazil and abroad, and in cooperating with international organizations such as the World Bank and the Inter-American Development Bank) have signed a Memorandum of Understanding to collaborate in the development of activities of the Centre, particularly focusing on issues related to public administration, both in the field of training and applied research.

- *Other UNESCO category 2 institutes/centres and international institutions*

18. The Centre is intended to cooperate with other existing or planned UNESCO category 2 institutes/centres, and with UNESCO offices in the Region, particularly UNESCO Cluster and Regional Bureau for Sciences in Montevideo, Uruguay, which covers MERCOSUR.

19. The Centre will work closely with the Advisory Bodies to the World Heritage Committee (ICCROM, ICOMOS and IUCN), and other foreign institutions of recognized experience. The Centre will also support the activities of other organizations involved with heritage identification, conservation and training in the Region.

V. Organization and structure of the Centre

20. The Centre comprises: a Governing Board, an Executive Committee, an Advisory Committee and a Secretariat.

21. The proposed **Governing Board** will be composed of the following representatives:

(a) Government representatives:

- the President of IPHAN or his/her appointed representative, who shall chair the Governing Board;
- one from the Ministry of Culture of Brazil;
- one from the Ministry of External Relations of Brazil; and
- one from the Brazilian Cooperation Agency;

(b) a representative of the Director-General of UNESCO;

(c) up to seven representatives of Participant States, including those of the Region.

22. The Governing Board will have the authority to adopt its rules of procedure, as well as the rules and regulations for its financial, administrative and personnel management; it will designate members of the Executive Committee and appoint the Director of the Centre; it will approve the annual work plan and budget, including the staffing table, as well as the medium-term and long-term programmes of the Centre; it will examine and approve the annual reports submitted by the Director of the Centre; and finally it will decide on the participation of regional intergovernmental organizations, international organizations and other organizations in the work of the Centre.

23. The **Executive Committee** shall be composed of:

(a) two representatives from the Government, one of them being the President of IPHAN or his/her appointed representative, who shall chair the Executive Committee;

(b) one representative of the Director-General of UNESCO;

(c) up to three representatives from Participant States which are members of the Board participating in the Governing Board.

24. The Executive Committee will have the authority to monitor the execution of the Centre's activities; to examine the draft annual work plan and budget, including the staffing table, as well as the medium-term and long-term programmes of the Centre and submit recommendations thereon to the Governing Board; to follow up the implementation of the Centre's activities in accordance with the annual work plan, as well as the medium-term and long-term programmes of the Centre; to ensure that the necessary activities and actions to implement the annual work plan and budget are carried out, as well as the medium-term and long-term programmes of the Centre; to propose to the Governing Board candidates for the post of Director of the Centre; and to adopt its own rules and procedures. It will also designate three academics of the Advisory Committee. The Executive Committee shall meet at least twice a year.

25. The **Advisory Committee** shall act as a consultative and advisory body to the Executive Committee and provide technical advice for planning, execution, review and monitoring of activities of the Centre. It will be composed of the Director of the Centre, who shall coordinate it, a representative of the Advisory Bodies to the World Heritage Committee (i.e. ICCROM, ICOMOS and IUCN), and three experts from the Region, designated by the Executive Committee. The Advisory Committee shall assist the Executive Committee in the fulfilment of its mandate, as requested.

26. The **Director** will be appointed by the Chairperson of the Governing Board upon recommendation of the Executive Committee and in consultation with the Director-General of UNESCO. The Director will act as Head of the **Secretariat**. The duties of the Director are: to direct the work of the Centre in conformity with the work plan established by the Governing Board; to propose the draft work plan and budget to be submitted to the Governing Board; to prepare the provisional agenda for the sessions of the Governing Board and the Executive Committee and submit to them any proposals that he or she may deem useful for administration of the Centre; to prepare reports on the Centre's activities, to be submitted through the Executive Committee to the Governing Board; and to represent the Centre in law and in all civil acts.

27. **The Centre's structure:** the Centre will comprise a Heritage Observatory, focused mainly on issues related to the management of the Region's World Heritage and a Documentation Centre, which will incorporate and enhance the facilities already in place in the Gustavo Capanema Palace, the Noroña Santos Archive, IPHAN's central archive since 1940. The Heritage Observatory will provide the Centre with the means of supporting the formulation of public policy in the Region related to heritage, by the production of information, studies and research in heritage management and verification of results.

VI. Budget, resources and development strategies

28. In its initial stage of operation, the Centre will give priority to three lines of action: definition of its strategies; the upgrading of the existing infrastructure; and the development of international cooperation with the Region.

29. A draft work plan for 2010 will be submitted to the Governing Board at its first meeting at the end of 2009. It will define the Centre's strategic lines, training programmes and the main domains of research. With this objective, two international seminars are being considered, the first one with representatives of the States Parties to the 1972 World Heritage Convention interested in the work of the Centre, to encourage them to participate in the Centre and to establish the bases for a network of associate institutions, as well as to define the priority activities in training and applied research. The second meeting will gather data and draw up a draft work plan for the Centre, to be examined and analysed by the Centre itself before it is submitted to the Governing Board. This work plan will propose the necessary budget allocations for 2010 and it will foresee the organization of a first basic training course for the technical staff of the Centre.

30. For these initial activities, budget allocations from the Federal Government's long-term budget, the "PPA" (Pluriannual Programme of Action), will be made available in the framework of the Programa Brasil Patrimônio Cultural which is managed by IPHAN. Financial resources have already been approved for 2009 to the order of R\$2,040,000.00 (roughly less than US \$1 million).

31. For the development of international cooperation, an action programme is being drawn up for the Centre. Its implementation will reinforce cooperation projects between the Centre and the Brazilian Cooperation Agency and national heritage institutions in the Region, such as those of Paraguay, Bolivia and Argentina in South America, and Angola in Africa.

32. Future financial provisions will take into account the revenue from specialized technical services provided by the Centre, as well as financial contributions from donors.

33. The staff of the Centre will initially comprise a Director, an administrative officer, an administrative assistant, a technical coordinator, the head of the Observatory and the head of the documentation centre. Other staff will be seconded by IPHAN or other institutions.

VII. Cooperation with UNESCO

34. The granting of UNESCO's auspices to the Centre will facilitate collaboration with institutions in the United Nations system and with other category 2 centres. UNESCO is expected to provide

technical assistance on documentation and information on the 1972 World Heritage Convention and the other UNESCO conventions in the field of culture.

35. The Centre will assist UNESCO in fulfilling the mandate of document 34 C/4 (Medium-Term Strategy for 2008-2013) and in particular Strategic Programme Objective 11 (Sustainably protecting and enhancing cultural heritage) and the strategic priorities and objectives of document 34 C/5 (Approved Programme and Budget for 2008-2009), in particular Biennial Sectoral Priority 1 (Promoting cultural diversity through the safeguarding of the heritage in its various dimensions and the enhancement of cultural expressions) and related Main Line of Action 1 (Protecting and conserving immovable cultural and natural properties, in particular through the effective implementation of the 1972 World Heritage Convention).

VIII. Infrastructure

36. The Centre will be located in the Gustavo Capanema Palace, which hosts the representation offices of the Ministry of Culture and of IPHAN in Rio de Janeiro. This is the first building which applied all the principles of Le Corbusier's architectural conception, which makes it a major icon of the Modern Movement and of the twentieth-century architectural heritage. IPHAN classified this building as National Historic and Artistic Heritage in 1948, three years after it was finished, and it is part of Brazil's World Heritage Tentative List.

37. To host the Centre, IPHAN will make floor seven and part of floors eight and nine available to the Centre, totalling an area of approximately 2,000 m² which includes the IPHAN Library and Archive. For the proposed new use, intervention in this area will be highly respectful of conservation and upgrading standards. The Centre will also be able to make use of the exhibition hall, a landscaped terrace and the Palace auditorium with seating for 400, where some renovation will be required.

IX. Action expected of the Executive Board

38. In the light of the above study, the Executive Board may wish to adopt a draft decision along the following lines:

The Executive Board,

1. Recalling the proposal submitted by the Government of Brazil for the establishment of an institution called "Regional Heritage Management Training Centre" under the auspices of UNESCO (category 2),
2. Further recalling the importance of international cooperation for strengthening the capacity of States Parties to promote and implement the World Heritage Convention through improving abilities for the preparation of effective nominations and for sustainable conservation and management of World Heritage properties,
3. Having examined the feasibility study contained in document 181 EX/17 Part X,
4. Welcoming the proposal of the Government of Brazil, which is in line with the existing principles and guidelines concerning the creation of category 2 institutes and centres under the auspices of UNESCO which were approved by the General Conference (33 C/Resolution 90), and appreciating the results of the consultations held so far between the Secretariat and the Brazilian authorities,
5. Recommends to the General Conference that it approve, at its 35th session, the accreditation of the Regional Heritage Management Training Centre to be established in Brazil as a category 2 centre under the auspices of UNESCO and that it authorize the Director-General to sign the Draft Agreement attached in document 181 EX/17 Part X.

ANNEX
DRAFT AGREEMENT
BETWEEN
THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION
AND
THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL
REFERRING TO THE CREATION AND OPERATION OF THE REGIONAL
HERITAGE MANAGEMENT TRAINING CENTRE IN RIO DE JANEIRO
UNDER THE AUSPICES OF UNESCO (CATEGORY 2)

The Government of the Federative Republic of Brazil and the United Nations Educational, Scientific and Cultural Organization,

Considering the Final Declaration of the Extraordinary Meeting of Ministers of Education and Culture of the CPLP – Community of Portuguese-speaking Countries – in Lisbon (Portugal) on 14 and 15 November 2008, and the Report of the XXVII Meeting of MERCOSUR Culture Ministers held in Rio de Janeiro (Brazil) on 5 December 2008,

Mindful that 33 C/Resolution 90 and 180 EX/Decision 18 adopted principles and guidelines for the establishment and operation of centres under the auspices of UNESCO as category 2 centres,

Having regard to the resolution whereby the UNESCO General Conference seeks to favour international cooperation in respect of the Regional Heritage Management Training Centre in Rio de Janeiro,

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

Desirous of defining the terms and conditions governing the contribution that shall be granted to the Regional Heritage Management Training Centre in Rio de Janeiro,

Have agreed as follows:

ARTICLE 1 – INTERPRETATION

1. The acronym “UNESCO” herein refers to the United Nations Educational, Scientific and Cultural Organization.
2. The “Centre” is understood to be the Regional Heritage Management Training Centre.
3. “Government” is understood to be the Government of the Federative Republic of Brazil.
4. “IPHAN” is understood to be the National Historic and Artistic Heritage Institute, an autonomous institution of the Federal Government of Brazil.
5. The “Region” is understood to be the Portuguese- and Spanish-speaking countries of South America, Africa and Asia.

6. “Participant States” are understood to be States which have sent the Director-General of UNESCO notification in accordance with the terms of Article 3, paragraph 2 of this Agreement.

ARTICLE 2 – ESTABLISHMENT

The Government hereby agrees to take the necessary measures in the course of the year 2010 to establish the Regional Heritage Management Training Centre in Rio de Janeiro, Brazil, a centre under the auspices of UNESCO in accordance with the terms of this Agreement.

ARTICLE 3 – PARTICIPATION

1. The Centre shall be an autonomous institution, at the service of Member States and Associate Members of UNESCO which, 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 shall inform the Centre and the Member States mentioned above of the receipt of such notifications.

ARTICLE 4 – PURPOSE OF THE AGREEMENT

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

ARTICLE 5 – LEGAL CAPACITY

The Centre shall enjoy on the territory of the Federative Republic of Brazil 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 6 – CONSTITUTION

The Constitution of the Centre shall include the provisions concerning:

- (a) legal status granting the Centre, under national legislation, the autonomous legal capacity necessary to exercise its functions, receive subsidies, obtain payments for services rendered, and acquire all necessary means it needs to operate;
- (b) a governing structure allowing UNESCO representation within its governing bodies.

ARTICLE 7 – FUNCTIONS AND OBJECTIVES

1. The functions and objectives of the Centre shall be:

(a) Objectives:

- to contribute to the achievement of the United Nations Millennium Development Goals;

- to build capacity for heritage management in South American countries and Spanish-/Portuguese-speaking countries in other regions;
- to act as a centre of reference for education, research, training, networking platform and capacity-building through projects, programmes and courses;
- to develop a body of knowledge in conservation, safeguarding, management, monitoring, applied and theoretical research and education in the field of cultural and natural heritage;
- to contribute to methodological development for the conservation, safeguarding and management of cultural and natural heritage;
- to promote and facilitate a worldwide network of all concerned educational and research institutions and organizations in order to devise well-informed solutions for the problems facing heritage management;
- to encourage entrepreneurship in an academic setting;
- to share technical expertise with UNESCO, particularly with the World Heritage Centre, and to cooperate with the intergovernmental committees of UNESCO in the field of heritage, as well as with other institutions.

(b) Functions:

- to create and develop partnership and networks and establish collaborative research programmes to address gaps of knowledge in heritage management;
- to identify, analyse, systematize and disseminate best practices and experience in the conservation and heritage management;
- to develop monitoring mechanisms and define indicators for measuring the state of conservation and the effectiveness of management, particularly for complex management situations such as ecosystems and urban landscape;
- to integrate and systematize data on properties in the Region declared as World Heritage, and facilitate their transfer, thereby contributing to raising awareness leading to an increase in the number of sites in the Region on the World Heritage list;
- to promote and communicate better understanding of the World Heritage Convention and the other UNESCO Conventions related to cultural and natural heritage and associated concepts and terms, as well as a wide variety of issues relating to conservation and heritage management;
- to create training tools in the various heritage management fields and at different levels, promoting and organizing training activities and encouraging collaboration with both public and private institutions;
- to facilitate technical cooperation and the provision of specialized technical services on questions of heritage;
- to promote research, the exchange of information, thematic networks and specialized meetings, for the communication and dissemination of the criteria and operational instruments of the World Heritage Convention and the other UNESCO conventions related to heritage.

ARTICLE 8 – THE GOVERNING BOARD

1. The Centre shall be guided and supervised by a Governing Board renewed every two years composed of:

- (a) Government representatives:
 - the President of IPHAN or his/her appointed representative, who shall chair the Governing Board;
 - one from the Ministry of Culture of Brazil;
 - one from the Ministry of External Relations of Brazil; and
 - one from the Brazilian Cooperation Agency;
- (b) a representative of the Director-General of UNESCO;
- (c) up to seven representatives of Participant States, including those from the Region, which shall send to the Director-General of UNESCO notification, in accordance with the stipulations of Article 3, paragraph 2 above.

2. The Governing Board shall:

- (a) adopt its rules and procedures, as well as determine the rules and regulations for its financial, administrative and personnel management;
- (b) designate those members of the Executive Committee as defined in Article 9.2 (c), and appoint the Director of the Centre;
- (c) approve the annual work plan and budget, including the staffing table, as well as the medium-term and long-term programmes of the Centre;
- (d) examine and approve the annual reports submitted by the Director 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 least once every calendar year; it shall meet in extraordinary session if convened by its Chairperson, either on his or her own initiative or at the request of the Director-General of UNESCO or of one third 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 9 – EXECUTIVE COMMITTEE

1. In order to ensure the effective running of the Centre between sessions, the Governing Body shall establish an Executive Committee, which shall meet at least twice a year, with the following composition and functions.

2. The Executive Committee shall be composed of:

- (a) two representatives from the Government, one of them being the President of IPHAN or his/her appointed representative, who shall chair the Executive Committee;
- (b) one representative of the Director-General of UNESCO;

- (c) up to three representatives from the Participant States which are members of the Governing Board.

3. The Executive Committee shall:

- (a) adopt its rules of procedure;
- (b) examine the draft annual work plan and budget, including the staffing table, as well as the draft medium-term and long-term programmes of the Centre and submit recommendations thereon to the Governing Board;
- (c) follow up the implementation of the Centre's activities in accordance with the annual work plan, as well as the medium-term and long-term programmes of the Centre;
- (d) ensure that the necessary activities and actions to implement the annual work plan and budget, as well as the medium-term and long-term programmes of the Centre, are carried out;
- (e) examine candidatures for the post of Director of the Centre and make recommendations thereon to the Governing Body;
- (f) designate those members of the Advisory Committee as defined in Article 9.4.

4. The Executive Committee shall have an Advisory Committee as a consultative and advisory body, composed of the Centre's Director who shall coordinate it, a representative from the Advisory Bodies to the World Heritage Committee (ICCROM, ICOMOS and IUCN) and three academic experts from the Region, designated by the Executive Committee. The Advisory Committee shall assist the Executive Committee in the fulfilment of its mandates, as requested.

ARTICLE 10 – 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 upon recommendation of the Executive Committee and in consultation with the Director-General of UNESCO.

3. The other members of the Secretariat may comprise:

- (a) members of UNESCO's staff who are temporarily seconded 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 made available to the Centre, as provided by government regulations.

ARTICLE 11 – DUTIES OF THE DIRECTOR

The Director shall discharge the following duties:

- (a) direct the work of the Centre in conformity with the work plan and budget as well as the medium-term and long-term programmes of the Centre established by the Governing Board;

- (b) propose the draft work plan and budget to be submitted to the Governing Board;
- (c) prepare the provisional agenda for the sessions of the Governing Board and the Executive Committee and submit to them any proposals that he or she may deem useful for administration of the Centre;
- (d) prepare reports on the Centre's activities, to be submitted through the Executive Committee to the Governing Board;
- (e) represent the Centre in law and in all civil acts.

ARTICLE 12 – CONTRIBUTION OF UNESCO

1. If necessary, UNESCO shall provide assistance in the form of technical and/or financial cooperation for the activities of the Centre, in accordance with the strategic goals and objectives of UNESCO.

2. UNESCO undertakes to:

- (a) provide the assistance of its experts in the specialized fields of the Centre;
- (b) facilitate the exchange of researchers and professionals from the Region for training activities;
- (c) second members of its staff temporarily, as 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;
- (d) facilitate collaboration with institutions in the United Nations system and other relevant category 2 centres;
- (e) provide technical assistance for collecting information and documentation, as well as for its conservation and dissemination, relevant to the implementation of the World Heritage Convention and other cultural conventions under the scope of UNESCO;
- (f) help to disseminate knowledge and training experience developed by the Centre;
- (g) assist in the design and application of training tools for the Centre;
- (h) support research in management of cultural and natural heritage at the Centre and facilitate the sharing of the results with other World Heritage stakeholders;
- (i) help to establish and strengthen networks to facilitate the exchange of information among site managers;
- (j) collaborate in organizing courses, workshops, exhibitions, conferences, symposia and seminars in the Region;
- (k) disseminate the results of this collaboration.

3. In all the cases listed above, such contribution shall be provided for in UNESCO's Programme and Budget.

ARTICLE 13 – CONTRIBUTION OF THE GOVERNMENT

1. The Government shall provide all the resources, either financial or in kind, needed for the administration and proper operation of the Centre.

2. The Government undertakes to:
 - (a) make available facilities for the Centre in the Gustavo Capanema Palace located in Rio de Janeiro, Brazil, for the pursuit of its activities;
 - (b) entirely assume all costs for the operation and maintenance of the Centre;
 - (c) finance the organizational costs of the Governing Board, Executive Committee and Advisory Committee meetings as well as of the activities carried out by the Centre in accordance with its annual work plan and budget;
 - (d) make available to the Centre the technical and administrative staff necessary for the performance of its functions.

ARTICLE 14 – PRIVILEGES AND IMMUNITIES

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

ARTICLE 15 – 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 provided for in this Agreement.

ARTICLE 16 – EVALUATION

1. UNESCO may at any time carry out an evaluation of the Centre's activities, in order to ascertain:
 - (a) whether the Centre makes a significant contribution to UNESCO's strategic objectives;
 - (b) whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.
2. UNESCO hereby undertakes to submit to the Government, at the earliest possible opportunity, a report on any evaluation conducted.
3. Each contracting party shall be entitled to denounce this Agreement or request its contents to be reviewed, following the results of an evaluation.

ARTICLE 17 – USE OF UNESCO'S NAME AND EMBLEM

1. The Centre may mention its affiliation with UNESCO. It may therefore use after its title the mention of "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 UNESCO's governing bodies.

ARTICLE 18 – ENTRY INTO FORCE

This Agreement shall enter into force following its signature by the contracting parties and once they have informed each other reciprocally and in writing that all formalities required to that effect by the domestic law of the Federative Republic of Brazil and by UNESCO's internal regulations

have been completed. The date of reception of the last notification shall be deemed to be the effective date of entry into force of this Agreement.

ARTICLE 19 – DURATION

This Agreement is concluded for a period of six years as from its entry into force, and may be tacitly renewed.

ARTICLE 20 – DENUNCIATION

1. Each of the contracting parties shall be entitled to denounce this Agreement unilaterally.
2. Such denunciation shall take effect within thirty days following receipt of the notification sent by one of the contracting parties.

ARTICLE 21 – REVISION

This Agreement may be revised by consent between the Government and UNESCO.

ARTICLE 22 – SETTLEMENT OF DISPUTES

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if 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 and representing it, another by the Director-General of UNESCO, and a third, who shall preside over the tribunal, shall be chosen by the first two. If the two arbitrators cannot agree on the choice of a 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 hereby sign this Agreement.

DONE in two copies in English, on

For the United Nations Educational,
Scientific and Cultural Organization

For the Government